

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

Civil Action  
No. 14-14176-ADB

v.

October 29, 2018

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE, et al.,

Pages 1 to 217

Defendants.

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TRANSCRIPT OF BENCH TRIAL - DAY 11  
BEFORE THE HONORABLE ALLISON D. BURROUGHS  
UNITED STATES DISTRICT COURT  
JOHN J. MOAKLEY U.S. COURTHOUSE  
ONE COURTHOUSE WAY  
BOSTON, MA 02210

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P R O C E E D I N G S

(The following proceedings were held in open court before the Honorable Allison D. Burroughs, United States District Judge, United States District Court, District of Massachusetts, at the John J. Moakley United States Courthouse, One Courthouse Way, Boston, Massachusetts, on October 29, 2018.)

MR. MORTARA: Good morning, Your Honor.

THE COURT: This is a surprise, Mr. Mortara.

MR. MORTARA: It could be a pleasant one. Could we see you at sidebar, please?

THE COURT: Who gets to decide if it's a pleasant one?

MR. MORTARA: I think Harvard's lawyers.

THE COURT: Sure.

[Sidebar sealed and redacted.]

THE COURT: Today I think we're going to get right to the Amici presentations, correct? And I assume you all have worked out how you're going to do this, so I'll just let you have at it.

MS. TORRES: Okay. Your Honor, again, Genevieve Torres. I represent the students, Amici Organization, and I'm joined here by my colleague Jon Greenbaum, Brenda Shum, Emma Dinan and Lawrence Culleen in the back, and the students for the Amici --

1 THE COURT: Okay. Hold on. Do me a favor. When  
2 you're talking -- I can see you're straining. When you're  
3 talking, you need to be near a microphone.

4 MS. TORRES: Okay.

5 THE COURT: Because that's how she's recording.

6 MS. TORRES: Thank you.

7 And the students will be calling as their first  
8 witness Itzel Libertad Vazquez-Rodriguez. And as she's  
9 coming in, we've prepared a binder with all of the exhibits  
10 that we'll be using during today's presentation. And we've  
11 given these to the parties, and I'm just going to give a copy  
12 to the court.

13 THE COURT: So I take it you're going to do the  
14 four student witnesses and then the four alumni witnesses?

15 MS. TORRES: Sorry. We're actually going to be  
16 doing one student.

17 THE COURT: Okay.

18 MS. TORRES: And go -- go back and forth. Thank  
19 you.

20 THE COURT: Also fine. Alumni.

21 (ITZEL LIBERTAD VASQUEZ-RODRIGUEZ duly sworn by the  
22 Deputy Clerk.)

23 COURTROOM CLERK: Will you please state your name  
24 and spell your last name for the record.

25 THE WITNESS: My name is

1 Itzel Libertad Vasquez Rodriguez, spelled I-T-Z-E-L,  
2 L-I-B-E-R-T-A-D, V-A-S-Q-U-E-Z, hyphen, R-O-D-R-I-G-U-E-Z.

3 THE COURT: All right. We're going to get started  
4 anyway, but you're going to have to speak up really loudly  
5 because she's -- the microphone is not actually for the  
6 audience. It's for the recording device.

7 Will you let me know if this is workable, Kelly?

8 COURT REPORTER: Yes.

9 THE WITNESS: Do you want me to say it again?

10 THE REPORTER: Oh, no. That's fine.

11 THE WITNESS: Okay.

12 THE COURT: Really loud because now you're  
13 recording in her mic and one of these other microphones.  
14 Okay?

15 THE WITNESS: Okay.

16 EXAMINATION BY MS. TORRES:

17 **Q.** Itzel, can you describe your educational background for  
18 the Court?

19 **A.** Yeah. So I graduated from Harvard College cum laude with  
20 a 3.7 GPA in the spring of 2017. I graduated with highest  
21 honors in sociology. I also had a minor in economics, a  
22 citation in Spanish and a certificate in Latin American  
23 studies.

24 **Q.** And this case involves Harvard's ability to consider race  
25 and ethnicity in admissions.



1                   Do you identify with a particular race or  
2 ethnicity?

3     **A.** Yes. I'd actually like to start by acknowledging that  
4 the land that we are on today is the traditional territory of  
5 the Wampanoag Nation. Along those same lines, I identify as  
6 indigenous Mexican-American or Chicana. On my mother's side,  
7 we are Cora, which is a tribe in the state of Nayarit in  
8 Mexico. And more broadly, I identify as Latina.

9     **Q.** And did you have particular experiences growing up that  
10 you attribute to being Chicana?

11     **A.** Yes. There are a number of instances. I from a young  
12 age understood that my culture and identity was different  
13 than a lot of my peers. I grew up going to powwows which are  
14 Native American events that a lot of people I know today have  
15 never been to or have never heard of. I also grew up in a  
16 bicultural home, where my grandparents spoke and speak  
17 primarily Spanish. Meanwhile, myself, my siblings, my  
18 younger cousins, all speak English.

19                   We also grew up celebrating different holidays and  
20 listening to different types of music. Along those same  
21 lines, I also understood from a young age that I would be  
22 stereotyped and critiqued for my ethnoracial identity. So if  
23 I spoke, for example, using more advanced vocabulary, people  
24 would say that I was talking white. They would say that I  
25 was a coconut, that I was brown on the outside and white on

1 the inside, and at that -- on the same token, in high school,  
2 when people would realize I was in AP courses or honors  
3 courses, they would tell me, "Oh, Itzel, I didn't know you  
4 were smart." And I knew that was mostly because people  
5 usually see being Latina and being smart as mutually  
6 exclusive, and in my case they are not.

7 And I also grew up being mistaken for my sister's  
8 mother from a young age. So we're actually eight years apart  
9 and ever since I was 15 people would think that I was her  
10 mother, and that, in part, is because people assumed that  
11 Latinas like myself have children very young.

12 **Q.** And how did these experiences impact the perspectives  
13 that you developed prior to college?

14 **A.** Yeah. So these experiences helped me to become a better  
15 listener, a more empathetic person, someone who was more  
16 open-minded and who has a more expanded world view.

17 **Q.** How did it impact the issues that you were interested in?

18 **A.** So, again, growing up as a Chicana, I understood  
19 injustice first-hand at a really young age, and I was able to  
20 see inequalities in my communities, again, from a really  
21 young age, and that made me want to fight for social justice.

22 **Q.** And did you share an ethnoracial identity when you  
23 applied to Harvard?

24 **A.** Yes. I actually had a whole essay titled "Different"  
25 that was about my experiences as a young Chicana in southern

1 California.

2 **Q.** And so before you, you'll see that there's a document  
3 that's been marked SA3. And you can go ahead and flip  
4 through it.

5 And do you recognize that document?

6 **A.** Yes.

7 **Q.** What is it?

8 **A.** This is my admissions file from the Harvard admissions  
9 office.

10 **Q.** When did you first see this file?

11 **A.** I first saw this file my senior year of undergraduate --  
12 or of Harvard. Admitted applicants and admitted students are  
13 able to see their files while at Harvard.

14 **Q.** And could I have you turn back to page 8 and flip through  
15 to page 12.

16 Is this a copy of the common application that you  
17 submitted to Harvard?

18 **A.** Yes.

19 **Q.** Turning to page 10, you'll see that there's a section  
20 called "Academics" that has a variety of information about  
21 your GPA, class rank.

22 How would you describe the rigor of your academic  
23 course load in high school?

24 **A.** So I took advantage of every academic opportunity that  
25 was available to me both at my high school and outside of my

1 high school. So for example, I took 10 AP tests in high  
2 school, which was the majority of the classes that were  
3 offered. I received a score of five on seven of those exams  
4 and a score of four on three of those exams. Five being the  
5 highest score. When I applied to Harvard, I had taken six AP  
6 courses. I had received a five on all but one of those  
7 tests.

8 I graduated from high school with a 4.5 GPA and I  
9 was ranked first in my class of about 500 students from  
10 grades ten to 12. I also, during the summers, took community  
11 college courses. So I received a grade of an A in each of  
12 those courses as well.

13 **Q.** Thank you.

14 Can I have you turn to page 13?

15 THE COURT: Are you moving to admit this?

16 MS. TORRES: I think it's already admitted.

17 THE COURT: Is this one already in? Okay.

18 Thank you.

19 BY MS. TORRES:

20 **Q.** And you'll see that it says "Different" at the top.

21 Is this the essay that you were referencing?

22 **A.** Yes.

23 **Q.** Why did you choose to discuss your Latina identity in  
24 this essay?

25 **A.** For me, at the time and both then and now, being Chicana

1 was such a core piece of who I am, and I felt like my  
2 ethnoracial identity had impacted every decision I had made,  
3 every experience that I had had, and I wanted to write about  
4 it because I felt like it was something important and  
5 something of value that I could bring to a school like  
6 Harvard.

7 **Q.** And can you look at the third paragraph, the sentence  
8 starts, "Here, I discovered."

9 Can you read that sentence out loud?

10 **A.** "Here, I discovered my life's ambition. I want to  
11 represent my heritage and inspire my fellow Latinos to  
12 embrace our culture."

13 **Q.** How could you have fully shared about your ambitions  
14 without any reference to your ethnoracial identity?

15 **A.** I could not have done that. All of my life's ambitions  
16 revolve around communities of color and my ethnoracial  
17 identity.

18 **Q.** I'm going to have you look at the last paragraph and the  
19 last lines, and can you read out loud starting at "I had  
20 realized," to the end of the paragraph?

21 THE COURT: We're working on it.

22 THE WITNESS: Thank you. I keep touching it.

23 THE COURT: We're working on it.

24 THE WITNESS: "I had realized that my background  
25 was unique and I was glad that I had a culture to celebrate

1 and represent. I took this love and pride with me to high  
2 school and I will undoubtedly carry it with me to college."

3 BY MS. TORRES:

4 **Q.** What did you mean by you would carry it with you to  
5 college?

6 **A.** I meant that the pride and love that I have of my  
7 ethnoracial identity was something that I felt was important  
8 to bring with me to a school like Harvard. I wanted to make  
9 sure that other students also felt open and willing to also  
10 share their pride and their love of their respective  
11 ethnoracial identities. I was also very interested in  
12 joining cultural groups and different multi-ethnoracial  
13 groups on campus.

14 **Q.** How would you have shared about your potential  
15 contributions to Harvard without any reference to your  
16 ethnicity?

17 **A.** I would not have been able to do that.

18 **Q.** And we talked about your essay. Did your ethnoracial  
19 identity show up anywhere else in your application?

20 **A.** Yes. I, in high school, was also a part of multiple  
21 cultural groups and different ethnoracial students' groups.  
22 I was secretary of my high school's Latino club for three  
23 years. I was president of my high school Spanish club for  
24 two years and I was a member of that club for, I believe, six  
25 years. And I also had a letter of recommendation that

1 referenced my volunteer work with Latinas in native  
2 communities.

3 **Q.** Do you recall when you first became interested in  
4 applying to Harvard?

5 **A.** Yeah. So I initially did not plan to apply to Harvard.  
6 I thought it was a school that was too white, that was too  
7 elite, that was too expensive, that was too far. And it  
8 wasn't until my junior year that I started to seriously  
9 consider applying because mainly, someone had recommended it  
10 to me.

11 **Q.** And what aspects of Harvard appealed to you?

12 **A.** I was interested in going to a school where I would be  
13 challenged academically and I felt like Harvard had an  
14 academic caliber that I was interested in. I wanted to learn  
15 amongst the best and brightest students in the world and I  
16 wanted to learn from the best professors; and upon looking at  
17 Harvard's website, I saw that they also seemed to value  
18 diversity and ethnicity and race, which was also something  
19 that spoke to me. As someone who was Chicana who comes from  
20 a pretty diverse area in southern California, I wanted to  
21 make sure that I would feel welcome at a school like that.

22 **Q.** Did you have any conversations with anybody at Harvard  
23 before you attended?

24 **A.** Yes. I had some e-mail correspondence with the  
25 undergraduate minority recruitment program at some point

1 during my application process. And they were helpful in  
2 giving me sort of a sense of what the school culture would be  
3 like.

4 **Q.** When you applied, what was your understanding of whether  
5 Harvard considered race in its admissions process?

6 **A.** So I was under the impression that Harvard took race,  
7 along with a number of different factors, under consideration  
8 as like part of a holistic admissions process.

9 **Q.** Did that matter to you?

10 **A.** Yes.

11 **Q.** Why?

12 **A.** I felt like so much of my experience and so much of my  
13 perspective and world view has been colored by my ethnoracial  
14 identity and I wanted a school that took that into  
15 consideration and that valued that -- that part of myself.  
16 And I also wanted to make sure that there would be other  
17 students who were people of color like my myself who would be  
18 at that school so that I could have a more safe environment,  
19 a more welcoming environment and a better, like, learning  
20 environment.

21 **Q.** If Harvard had not considered race in admissions, how  
22 would that have impacted your interest in Harvard?

23 **A.** Honestly, I probably would not have applied to Harvard if  
24 they didn't take race into account. Again, I was coming from  
25 a pretty diverse area in southern California and I wanted to



1 go to a school that reflected the diversity of the U.S.  
2 population and of the world population.

3 **Q.** I'm going to turn now to your experience at Harvard.  
4 While there, did you interact with students of racially  
5 diverse backgrounds?

6 **A.** Yes.

7 **Q.** And how did that impact your education?

8 **A.** Yeah. So being around students from different  
9 ethnoracial backgrounds made me a more critical thinker and a  
10 more independent thinker. So I actually learned a lot about  
11 the Israeli/Palestinian conflict from a student group on  
12 campus that was, like, Palestinian student focused, and they  
13 would hold events and attend different Latinx groups, group  
14 meetings or different native group meetings and draw  
15 parallels between the situations of what was happening in the  
16 Gaza Strip and experiences of Latinxes and natives in the  
17 U.S. and that, for me, was really mind-opening and I became  
18 more and more curious about this topic and ended up learning  
19 a lot more about it, mainly because of parallels that they  
20 drew.

21 **Q.** To what extent did you encounter diversity within a given  
22 racial group?

23 **A.** Yeah. I encountered a good amount of diversity between  
24 ethnoracial groups at Harvard. So for example, I met a  
25 number of Afro-Latinx students at Harvard and I -- again,

1 being from southern California, that wasn't a group of people  
2 that I had known much about before coming to college and it  
3 was these students and having conversations with them and  
4 attending meetings that they were holding about their  
5 experiences in the U.S. as being both black and Latinx was  
6 also really mind-opening for me and a big learning  
7 experience. And I began to understand the African diaspora  
8 in Latin America and I feel like I became a better advocate  
9 for the Latinx community and was also better able to identify  
10 classism, and racism, and colorism within my own community.

11 **Q.** What cross-racial efforts did you engage in?

12 **A.** So I was a part of a number of cross-racial, cross-ethnic  
13 groups. For example, one that comes to mind is my work with  
14 the Ethnic Studies Coalition. So my sophomore year of  
15 undergrad, myself and two Asian-American students began  
16 meeting. We were all interested in pushing for more ethnic  
17 studies resources at the college. We started creating  
18 petitions, we started meeting with different stakeholders  
19 like deans, administrators, different student groups of color  
20 and different professors. And in a short amount of time we  
21 were able to form a really powerful coalition.

22 My senior year of college, we actually had an  
23 ethnic studies track approved, which was a huge  
24 accomplishment for us. And in part, I think, our movement  
25 was so powerful because we were a cross-racial multiethnic

1 coalition and we had so many different perspectives and world  
2 views and we were all coming together to fight for a common  
3 cause, and I think that's what made our work worthwhile and,  
4 in the end, very powerful.

5 **Q.** Now, while you were at Harvard, did you feel like there  
6 was adequate representation of students of color?

7 **A.** No, absolutely not.

8 **Q.** Why?

9 **A.** I think students of color were a huge minority in almost  
10 every space. So for example, I would walk around campus and  
11 see a lot of white faces. I would go into classrooms and  
12 buildings that were named after mainly old white men and see  
13 portraits on the walls of mainly old white men, and over time  
14 that really started to wear on me and made me sort of  
15 question, "Well, what am I doing here? Why are none of these  
16 portraits reflective of me or people that I know in my  
17 community?" And it also affected sort of the way that I  
18 interacted in the class.

19 So whenever I would walk into a classroom, I would  
20 take note mentally of the number of people of color that I  
21 could see and if it was a majority white class, I would  
22 become very nervous and I didn't want to speak in those  
23 classes. I didn't want to be seen or stereotyped as someone  
24 who, you know, is just talking about communities of color  
25 because that's where I came from. And it was a very

1 uncomfortable experience.

2 And I think on top of that, I was just -- when I  
3 would walk around campus, again, I was constantly  
4 stereotyped. I would have people come up to me and ask me  
5 questions like "Oh, Itzel, like, where are you really from?  
6 Where is your family from? Were you born here? Are you a  
7 citizen?" And that -- those types of questions are very  
8 alienating.

9 **Q.** Were there spaces that helped you ease that sense of  
10 nervousness and alienation?

11 **A.** Yes. I found my solace and relief in student groups on  
12 campus and -- and groups that were focused on students of  
13 color, or like ethnoracial student groups, cultural groups.  
14 So I was a part of a number of Latinx organizations, Native  
15 American organizations, multi-ethnoracial coalitions on  
16 campus.

17 **Q.** And how did the existence of those spaces impact your  
18 participation in majority white spaces?

19 **A.** I felt like in these groups, I could finally breathe. I  
20 could really be myself. I felt like these were groups of  
21 students that I could vent to and that they would be there to  
22 support me. These groups are where I met some of my closest  
23 friends on campus. And it was going to these group meetings  
24 and to these events where I felt like I gained the confidence  
25 and the sense of self to be able to confront going to

1 majority white classes the next day. I felt like it was a  
2 safe place for me and for people like me. And it was there  
3 that I got the strength to be able to get up and -- and  
4 navigate through Harvard day after day.

5 **Q.** Now, there is a question in this case about a reduction  
6 in the number of black and Latinx students on campus.

7 If there were a 50 percent reduction in the number  
8 of black and Latinx students on Harvard's campus, how would  
9 that have impacted your experience?

10 **A.** I think that type of reduction would have been, frankly,  
11 catastrophic for a student like me. I think that there are  
12 so few students of color and under-represented minority  
13 groups at Harvard as it is that any sort of reduction in any  
14 of those groups would be really detrimental to the community  
15 at Harvard, both for students of color, but also just for  
16 students in general.

17 I think, in particular, like a reduction in the  
18 number of black students at Harvard would be really  
19 problematic because black student groups on campus tend to be  
20 more established, more well established within the  
21 university. And for example, there were many, like, Latinx  
22 student events or student meetings that were loosely based  
23 off of events and meetings that were held in the black  
24 community, and I think losing any part of that -- that cohort  
25 would have been really problematic and I think that a lot of

1 the power and positive change at Harvard comes from student  
2 groups of color. And I think, again, having a reduction in  
3 any of those groups is -- is awful.

4 **Q.** Now, we talked about your ethnic identity.

5 Do you also identify with a particular  
6 socioeconomic background?

7 **A.** Yes. I consider myself to be low-income.

8 **Q.** And during your time at Harvard, were there benefits to  
9 greater socioeconomic diversity in the classroom?

10 **A.** Yeah. I think having greater socioeconomic diversity in  
11 a classroom was helpful, but I think that the benefits that  
12 come from socioeconomic diversity are different than the  
13 benefits that come from having ethnoracial diversity in a  
14 classroom.

15 **Q.** How are they different?

16 **A.** At least in my experience, ethnoracial diversity is  
17 something that's more visibly salient. So for example, like  
18 when I was walking around campus, I didn't feel judged or  
19 discriminated against because of my socioeconomic status. I  
20 felt discriminated against because of my ethnoracial  
21 identity.

22 **Q.** And, Itzel, you graduated in 2017. What have you pursued  
23 since that time?

24 **A.** So after graduation, I spent a year volunteering with two  
25 different nonprofit organizations in Peru. Both of those

1 nonprofits were focused on indigenous groups within the  
2 country. And this year, I am starting the California  
3 Assembly Fellowship, where I'll be working as a legislative  
4 aide in Sacramento.

5 **Q.** And has Harvard's racial diversity prepared you for this  
6 work?

7 **A.** Yes. I think having had experiences and relationships  
8 with people from different ethnoracial groups made me a much  
9 better listener, a more empathetic person, someone who is a  
10 more critical thinker, and whose, like, perspective of the  
11 world is more broad. And so I think with my work in Peru, it  
12 was really important that I had an understanding of the  
13 diversity within the Latinx or the Latin American experience  
14 because I was working with indigenous people in Peru who have  
15 a very different history and relationship with their country.

16 And I think now, with my work in California,  
17 working in a state that is so diverse and that is only  
18 becoming more ethnoracially diverse, it was important for me  
19 to have had experience and to have had interactions with  
20 people from a variety of ethnoracial backgrounds. And I  
21 think, again, like having had those experiences made me a  
22 better policy maker, a better policy thinker and much better  
23 equipped for this fellowship.

24 **Q.** And as a final question: Why did you choose to  
25 participate in this case?

1     **A.** So there are a number of reasons that I decided to  
2 participate. For one, I think for me, having ethnoracial  
3 diversity on campus is something that is so sacred because it  
4 has been such a huge part of my life, such a huge part of my  
5 experiences and I think for colleges to continue to take that  
6 into account is of the utmost importance to me.

7             And I also wanted to be a part of this case because  
8 I think of people like my sister, Nayati, I think of people  
9 in her generation who are younger than her, and I want them  
10 to have a better college experience than I did.

11             MS. TORRES: Thank you. No further questions.

12             MS. HACKER: SFFA has no questions for this  
13 witness, Your Honor.

14             Thank you for being here today, Ms. Itzel Vazquez.

15             THE COURT: How about Harvard? Does Harvard want  
16 to do any cross of the witness?

17             MR. LEE: Very brief.

18             THE COURT: Sorry. I was looking over at him and  
19 he's just staring at me. He's going to have me do it.

20             EXAMINATION BY MR. LEE:

21     **Q.** Good morning. Did you know that SFFA is not having any  
22 of its student members sit in the seat that you're sitting  
23 in?

24     **A.** I only recently learned that, like, yesterday, so.

25     **Q.** With that in mind, we just want to thank you for having



1 the courage to sit in the chair and to tell us your story.  
2 Thank you very much.

3 **A.** Thank you.

4 THE COURT: That was not a question, Mr. Lee.

5 MR. LEE: That's true.

6 MR. HUGHES: I restrained myself, Your Honor.  
7 Stayed in my chair.

8 THE COURT: I'll impute that same sentiment to  
9 SFFA, so you don't have to get up and say it.

10 MR. HUGHES: Of course.

11 THE COURT: You're excused.

12 MS. HOLMES: Jennifer Holmes for the Amici  
13 organizations. The Amici organizations would like to call  
14 Margaret Chen to the stand.

15 (MARGARET Chen duly sworn by the Deputy Clerk.)

16 COURTROOM CLERK: Would you please state your name  
17 and spell your last name for the record.

18 THE WITNESS: Margaret M. Chen. My last name is  
19 C-H-I-N.

20 EXAMINATION BY MS. HOLMES:

21 **Q.** Good morning, Professor Chen. I would just ask you  
22 during your testimony to keep your voice up. I don't think  
23 your microphone is working. So the court reporter, for her  
24 sake, just try to keep your voice up during your testimony,  
25 please?

1 THE COURT: By which, she means super loud.

2 THE WITNESS: Super loud. Okay.

3 THE COURT: Super loud because you're being picked  
4 up by this microphone. Okay?

5 THE WITNESS: Oh, okay. Project over there. Can  
6 you hear me? Yes.

7 BY MS. HOLMES:

8 Q. Good morning, Professor Chen.

9 A. Good morning.

10 Q. Where did you go to college?

11 A. I went to Harvard College.

12 Q. And what year did you graduate?

13 A. 1984.

14 Q. What did you major in?

15 A. Applied math and economics.

16 Q. And did you have a minor?

17 A. No, I didn't.

18 Q. Where do you live now?

19 A. In New York City.

20 Q. And what's your current employment?

21 A. I'm a sociologist at Hunter College and CUNY Graduate  
22 Center.

23 Q. Do you have any advanced degrees?

24 A. I have a Ph.D. in sociology.

25 Q. And what was the focus of your Ph.D.?

1     **A.** Immigration, family, race and ethnicity.

2     **Q.** Are you working on any research now?

3     **A.** Yes, I am. I'm looking at Asian-Americans moving up in  
4 the professional work world, and one of the findings is that  
5 diversity programs actually help them move up a little bit  
6 faster, a little bit quicker.

7     **Q.** And why did you decide to go to graduate school to study  
8 these issues?

9     **A.** While I was at Harvard, I was exposed to, I guess,  
10 inequality, and I decided that that was something that I was  
11 interested in; and I was also exposed to a lack of research  
12 on Asian-Americans, in general, especially Asian-Americans  
13 from my background. So I wanted to research those topics.

14     **Q.** And how would you describe your racial and ethnic  
15 background?

16     **A.** I'm Asian-American with a Chinese ethnicity.

17     **Q.** And why are you here testifying today?

18     **A.** I'm here testifying because I wrote a declaration for one  
19 of the 25 Amici groups that support Harvard.

20     **Q.** You mentioned you wrote a declaration for one of 25  
21 groups.

22                     What group was that?

23     **A.** The Coalition For A Diverse Harvard.

24     **Q.** And what is the Coalition For A Diverse Harvard?

25     **A.** The coalition is a volunteer group, membership group that

1 supports diversity, equity and inclusion in higher education  
2 and at Harvard.

3 **Q.** Is it a volunteer organization?

4 **A.** Yes, it is.

5 **Q.** And do you call it just Diverse Harvard for short?

6 **A.** Yes, we do.

7 **Q.** What is your role in Diverse Harvard?

8 **A.** I'm one of the founding board members. There are five of  
9 us.

10 **Q.** And when was Diverse Harvard founded?

11 **A.** It was founded in 2016.

12 **Q.** What was -- or why was Diverse Harvard founded?

13 **A.** It was founded because we were -- we had read in the New  
14 York Times that there was a set of outside overseers running  
15 who actually were using -- it seemed like they were using  
16 Asian-Americans as a cover to eliminate race-conscious  
17 admissions at Harvard. And all of us were supportive of a  
18 diverse learning environment for the current students. So we  
19 got together and formed this group to try to prevent them  
20 from winning the election for the Overseers.

21 **Q.** And what are Harvard Overseers?

22 **A.** It's the second highest governing board at Harvard.

23 **Q.** And what did Diverse Harvard do to oppose these  
24 candidates for Overseers?

25 **A.** We decided to learn about everybody's position, everybody

1 who was running for Overseers. So we created a questionnaire  
2 and we sent them out to every single candidate. And when the  
3 answers came back, we formed a nominating committee from the  
4 volunteers, about ten people, and we endorsed certain  
5 candidates.

6 **Q.** And did those endorsed candidates ultimately win?

7 **A.** Most of them did.

8 **Q.** How many members does Diverse Harvard currently have?

9 **A.** 1,200.

10 **Q.** And who are the members?

11 **A.** The members are alumni from the college and all of the  
12 rest of the schools, students, as well as faculty members.

13 **Q.** Do you know the racial and ethnic makeup of Diverse  
14 Harvard's membership?

15 **A.** Diverse Harvard is a multi-racial group.

16 **Q.** Do you know what proportion of the membership is  
17 Asian-American?

18 **A.** It's about 20 percent.

19 **Q.** And does Diverse Harvard receive any funding from Harvard  
20 University?

21 **A.** No, it does not.

22 **Q.** Beyond being involved in the Overseers election, what  
23 other activities has Diverse Harvard been engaged in?

24 **A.** Diverse Harvard tries to educate its members and the  
25 community at large about holistic admissions and diverse

1 education. We just had a panel last April that talked about  
2 this particular case, Asian-Americans and affirmative action.  
3 We also have a web page. We have a Twitter feed, a Facebook  
4 page and we also send out e-mail blasts to our members.

5 **Q.** And why was it important to you, personally, to get  
6 involved with Diverse Harvard?

7 **A.** Personally, I felt that it was important to maintain a  
8 diverse learning environment at -- at Harvard and in  
9 universities at large. And I felt that what -- at the time,  
10 during that election, I felt that what the outside candidates  
11 were doing was not right and that we should maintain  
12 race-conscious admissions at Harvard.

13 **Q.** Have you had discussions about this lawsuit with the  
14 other members of the board of Diverse Harvard?

15 **A.** Yes, I have.

16 **Q.** And why did the board decide to get involved -- decide to  
17 have Diverse Harvard get involved in this lawsuit?

18 **A.** Similarly, I think we all agreed. We all felt strongly  
19 that we wanted to make sure that we maintain a diverse  
20 learning environment at Harvard for the current students, for  
21 them to become future leaders of their organizations, of  
22 their communities and society at large.

23 **Q.** I'd like to ask you some questions about your background  
24 before you came to Harvard.

25 Where did you grow up?

1     **A.** I grew up in New York City, on the Upper West Side, in  
2     the Amsterdam houses, which is a housing project.

3     **Q.** And what was your parents' background?

4     **A.** My parents were working class. My father was a waiter  
5     and my mother was a garment worker for most of her life.

6     **Q.** And were they from the U.S. or did they immigrate here?

7     **A.** They immigrated here from China.

8     **Q.** And what was your parents' educational background?

9     **A.** My father attended a little bit of high school in Eurasia  
10    high school, but he had to dropout because his father passed  
11    away and he had to work. My mother only attended elementary  
12    school in China.

13    **Q.** When you were growing up in New York in the Amsterdam  
14    Houses, what was the racial makeup of your community?

15    **A.** In the projects, it was mostly black and Latino, at that  
16    time was mostly Puerto Rican. So it's African-American,  
17    Puerto Rican, some Asian-American families and some white  
18    families.

19    **Q.** And where did you go to school?

20    **A.** Public schools in New York City.

21    **Q.** I'd like to ask you about applying to Harvard.

22                 Why did you decide to apply to Harvard?

23    **A.** Harvard was never on my radar. I already -- I was  
24    admitted to Princeton University already as an early action  
25    candidate, and my close friend in high school at that point,

1 Shirley, brought me down to Chinatown to go to an East Coast  
2 Asian Student Union, Chinese college fair. And at that  
3 college fair, I met Harvard undergraduate recruitment  
4 coordinators and they convinced me that I should take a  
5 serious look at Harvard because of its -- it was in an urban  
6 environment and that I might enjoy that even more than  
7 Princeton University. And since I had already gotten into  
8 Princeton, I -- it's a good chance that I could get into  
9 Harvard.

10 **Q.** And would you have applied to Harvard had you not met  
11 those Asian-American undergraduate recruitment students?

12 **A.** No. I would not have applied to Harvard at all. My  
13 parents really wanted me to stay close to home. In fact,  
14 their first choices for me were NYU and City College and  
15 Columbia or Barnard. Princeton was the furthest they thought  
16 I should go, which was two hours away, but it was enhanced  
17 because my uncle owned a Chinese restaurant in Trenton. So  
18 they felt that I could go on weekends to have dinner with  
19 them or I could come home to New York City to have dinner at  
20 home on the weekends. Harvard was way too far.

21 **Q.** And on your application to Harvard, did you identify your  
22 race?

23 **A.** Yes, I did.

24 **Q.** Did you do an alumni interview?

25 **A.** Yes, I did.



1       **Q.** And what did you discuss during that interview?

2       **A.** My interviewer was surprised that there was actually a  
3 housing project called the Amsterdam Houses behind Lincoln  
4 Center, which was a, I guess, an upscale neighborhood now.  
5 And so she asked, "What was it like to grow up in a housing  
6 project with blacks and Puerto Ricans and you being an  
7 Asian-American?" So we talked a lot about growing up in that  
8 particular neighborhood.

9       **Q.** I'd like to ask you some questions about your experience  
10 at Harvard.

11       **A.** Mm-hmm.

12       **Q.** When you were a student at Harvard College, did you  
13 consider the school to have a diverse student body?

14       **A.** No. When I arrived at Harvard University, I was actually  
15 surprised to find -- well, I never had met so many rich white  
16 people in my life, at Harvard. So I was -- okay. I'll just  
17 stop there. I was pretty shocked.

18       **Q.** And what year did you start Harvard as a first-year  
19 student?

20       **A.** 1980.

21       **Q.** Do you know how the Harvard of 1980 compares to the  
22 racial makeup of Harvard today?

23       **A.** Today it's very diverse compared to my day, and I can  
24 tell this when I go to reunion events. So I'm class of 1984.  
25 We usually have reunion events in a tent or in a giant room

1 at Harvard, and I'm one of very few numbers -- I'm one of a  
2 few people of color there. And then when I leave that room,  
3 I am absolutely flabbergasted at how many Asian-Americans or  
4 African-Americans or Latino students there are on campus.  
5 It's a really -- and it's not only me that is shocked, but  
6 all of my classmates are.

7 **Q.** When you were at Harvard as a student, did the school's  
8 lack of significant diversity affect your experience?

9 **A.** I felt it did. I felt like I needed to find people like  
10 me to feel comfortable, especially in the very beginning  
11 because I was intimidated. I thought I could do well, but I  
12 was intimidated, especially in the classroom. And so I  
13 searched out for the Asian-American Association. I searched  
14 out for the other -- well, students alliance. I searched out  
15 for all of our -- people of color.

16 **Q.** And what is the Asian-American Association?

17 **A.** The Asian-American Association is a social, political,  
18 cultural group who -- whose membership was not just  
19 Asian-American, but who also put on events to educate the  
20 community about Asian-Americans. We also have lots of  
21 parties.

22 **Q.** And let me back up for -- let me back up for a moment.

23 Do you think Harvard's lack of significant  
24 diversity affected you in an academic sense in the classroom?

25 **A.** Yes, it did. I felt, oftentimes, very self-conscious

1 when I spoke out in the classroom because I would be one of a  
2 few Asian-American students in the particular class. I also  
3 felt that sometimes I would hear the term "Oriental" being  
4 used, referring to Asian-Americans, and I would feel  
5 uncomfortable, because I thought most people would have  
6 changed to using the term "Asian-American."

7 **Q.** Would having more students of color have changed that  
8 experience?

9 **A.** I think so. Mostly because it would have given me a  
10 choice, you know. It would have given me a choice in terms  
11 of social organizations to attend, although I love the  
12 Asian-American Association, and I think it would have made me  
13 feel more comfortable speaking up in class.

14 **Q.** Returning to the Asian-American Association, were there  
15 many other Asian-American organizations, student  
16 organizations on campus at the time?

17 **A.** I only recall five. The Asian-American Association, the  
18 Chinese Students -- CSA -- Association, the Japanese Cultural  
19 Society, the Radcliffe Asian-American Women's Group and the  
20 Koreans of Harvard Radcliffe.

21 **Q.** And do you know how many Asian-American student  
22 organizations Harvard has today?

23 **A.** I thought there -- I think there are over 20.

24 **Q.** Why did you decide to get involved with the  
25 Asian-American Association as a student?

1     **A.** I felt -- well, there are two reasons. One was that my  
2     undergraduate minority recruitment -- sorry -- my  
3     undergraduate minority recruiter who asked me to apply to  
4     Harvard was also a member of the Asian-American Association;  
5     and in addition, I was interested in finding other people who  
6     were Asian-Americans to become friends with.

7     **Q.** And you mentioned parties.

8                 Were there any other events that the Asian-American  
9     Association hosted?

10    **A.** Yes. It hosted many social, cultural and educational  
11    events. One of the events that I remember quite clearly that  
12    really struck a chord with me was that we hosted the redress  
13    and reparations hearings of the Japanese that were interned  
14    during World War II, Japanese-Americans who were interned  
15    during World War II. We had Asian-American playwrights come  
16    put on plays. We -- we had films. It was quite a vibrant  
17    group. We also had a newsletter that we all worked on  
18    together.

19    **Q.** What was the purpose of having these events or putting  
20    out the newsletter?

21    **A.** Part of it was to educate ourselves, to form a community,  
22    and it was also to educate the population at large at  
23    Harvard, at Harvard University.

24    **Q.** And who would attend these events?

25    **A.** Well, there weren't a whole lot of Asian-Americans on

1 campus. So a lot of Asian-Americans would come and so did  
2 the community at large.

3 **Q.** And does that include students from all backgrounds?

4 **A.** Yes, it does.

5 **Q.** Did other non-Asian student cultural groups put on  
6 events?

7 **A.** Yes, they did.

8 **Q.** And did you attend any of those?

9 **A.** Yes, I did.

10 **Q.** Can you give an example?

11 **A.** Yes. So some of my favorites were the cultural events,  
12 like when the Kuumba singers performed. They were an  
13 African-American gospel group. They sang beautifully. And  
14 another was the Ballet Folklorico, who was a cultural dance  
15 troop, and I think it was through them that I learned about  
16 Mexican-Americans, which I knew very little about because I  
17 only knew about Puerto Ricans.

18 **Q.** Other than attending events from different cultural  
19 organizations, did you interact with students from different  
20 backgrounds in other settings?

21 **A.** Yes. It was hard not to, but yes. My roommates, in  
22 fact, were pretty diverse. My roommates, one was an  
23 African-American from -- I had four total -- African-American  
24 from Florida; a white working-class woman who played for the  
25 hockey team, women's hockey team, and I guess a wealthier

1 white woman who grew up in Newton, Massachusetts.

2 **Q.** And what did you learn from these interactions with  
3 students who came from a different background from you?

4 **A.** Well, it really helped a lot because I had never left  
5 home before and so most of my -- in fact, all of my roommates  
6 had lived away from home. And so they taught me a lot about  
7 being independent, living away from home and just being --  
8 even some study skills as well. So just about everything.

9 **Q.** Are you in touch with any of the current students --  
10 student members of the Asian-American Association?

11 **A.** Yes, some.

12 **Q.** And do you know if that organization has joined this  
13 lawsuit?

14 **A.** Yes, they have.

15 **Q.** And going back to the time when you were a student, did  
16 the Asian-American lobby Harvard on any issues related to  
17 admissions?

18 **A.** Yes, we did. During that time, the admissions office  
19 considered us minorities. Considered us, meaning  
20 Asian-Americans, as minorities. And as a whole, they would  
21 sponsor events during pre-freshman week when people who were  
22 accepted could come, but the university at large did not  
23 consider -- did not host events hosted by the minority groups  
24 during freshmen week when they actually enrolled. So we  
25 petitioned the college to actually have events for the

1 incoming freshmen.

2 **Q.** And when you were a student at Harvard, did you have a  
3 job on campus?

4 **A.** Yes, I did. I worked for the undergraduate -- I worked  
5 for the admissions officer as an undergraduate minority  
6 recruiter.

7 **Q.** And what did your work as an undergraduate minority  
8 recruiter entail?

9 **A.** I, basically, coordinated other Asian-American students  
10 to go, usually, back to their home cities to recruit in  
11 schools that normally did not send many students to Harvard.

12 **Q.** And was that a paid position?

13 **A.** Yes, it was. It was my work-study job.

14 **Q.** Why did you get involved in the undergraduate minority  
15 recruitment office?

16 **A.** I thought it was very important for the recruiter who  
17 recruited me to make an effort to reach out because I would  
18 have never thought about applying to Harvard, and I felt like  
19 I should return that because I knew that there were other  
20 students like me out there who would never think about  
21 applying to Harvard.

22 **Q.** Were there other ways in which you or the Asian-American  
23 Association was involved in recruiting students?

24 **A.** So when students got in, we also had phone call sessions.  
25 So when students were accepted into Harvard, all of the

1 Asian-American Association would go into the admissions  
2 office and phone call every single one of the students who  
3 got in and encourage them to come visit and encouraged them  
4 to enroll at Harvard and to feel free to ask us any  
5 questions. We also volunteered to host anybody who wanted to  
6 come spend a night at Harvard and to show them around.

7 **Q.** And who sponsored or coordinated that phone call session  
8 to prospective students?

9 **A.** It was the admissions office.

10 **Q.** And who sponsored or coordinated hosting perspective  
11 students on campus?

12 **A.** It was the admissions office.

13 **Q.** Did you have any other jobs when you were a student?

14 **A.** I worked briefly as a maid and briefly in the computer  
15 lab. And in my senior year, I worked for the Harvard  
16 Foundation for Race Relations and -- for Intercultural and  
17 Race Relations.

18 **Q.** And what is the Harvard Foundation?

19 **A.** They sponsored events that, basically, promoted  
20 individuals who -- I guess minority leaders in the community  
21 and brought the community together to understand what they  
22 did.

23 **Q.** You testified earlier about how interacting with your  
24 roommates and students from other backgrounds helped with the  
25 study skills and helped with support.



1           Were there any ways in which those interactions  
2           challenged your assumptions or perhaps stereotypes that you  
3           had?

4           **A.**   Yeah.  So I -- yeah.  I think for -- in fact, my  
5           African-American roommate was actually quite good  
6           in literature, and so we would discuss literature.  My two --  
7           and I guess some people might have stereotypes about  
8           African-American students.  The others were about -- just  
9           learning about working-class white people more.  My roommate  
10          who was the hockey player was a lot of fun.  So we hung out  
11          with athletes a lot.

12          **Q.**   When you were a student at Harvard, did you write about  
13          the admissions process for Asian-Americans at selective  
14          universities?

15          **A.**   Yes, I did.

16          **Q.**   And was that article ever published?

17          **A.**   Yes, it was.

18          **Q.**   Do you recall the title?

19          **A.**   It was called "Admissions Impossible."

20          **Q.**   And were you the only author of that article?

21          **A.**   No, I wasn't.  There was a first author, David Ho.  We  
22          wrote that article with -- in consensus with 25 other  
23          students.

24          **Q.**   And can you explain what you mean when you say "in  
25          consensus with 25 other students"?

1     **A.** Those 25 other students and us, we were all --  
2     basically had the same position as undergraduate minority  
3     recruiters. We actually recruited via the East Coast Asian  
4     Student Union in different cities across the east coast to  
5     try to recruit Asian-Americans to apply to the respective  
6     schools.

7             And so one summer, we decided -- because we had  
8     been talking about the issues of Asian-Americans in general,  
9     we decided to discuss our issues at the various colleges and  
10    write an article to educate ourselves and the admissions  
11    officers.

12    **Q.** And so does that article discuss the group of those 25  
13    universities or just Harvard?

14    **A.** The group of 25 universities.

15    **Q.** What was the motivation for writing the article?

16    **A.** It was mostly to dispel stereotypes, to dispel the model  
17    minority myth, and also to encourage universities that did  
18    not include Asian-Americans as part of their official  
19    minority recruitment program, to include them, and also, to  
20    ask that Asian-Americans be included or continue in the  
21    affirmative action process.

22    **Q.** And at the time of that article, did Harvard include  
23    Asian-American students in its affirmative action process?

24    **A.** Yes, it -- yes, it did. And I, in particular, was one of  
25    the recruiters.

1     **Q.** Did you look -- in researching this article, did you look  
2     at any data about schools' use of academic ratings or  
3     personal ratings?

4     **A.** As students, we did not have access to any -- any  
5     specific data.

6     **Q.** And does that include Harvard data?

7     **A.** Yes, that includes Harvard data.

8     **Q.** And at the time you co-wrote the article, how did the  
9     percentage of Asian-American students at Harvard compare to  
10    now?

11    **A.** I think at the time we wrote the article it was under --  
12    definitely under 10 percent, maybe under 8 percent. And  
13    right now, the incoming class is close to 23 percent.

14    **Q.** At the time you wrote this article, how many  
15    Asian-American admissions officers did Harvard have?

16    **A.** I don't think any. Zero.

17    **Q.** Do you know how many Harvard has now?

18    **A.** I think about a handful.

19    **Q.** And do you know if this article "Admissions Impossible"  
20    has been cited in this lawsuit?

21    **A.** Yes, it has.

22    **Q.** By whom?

23    **A.** By SFFA.

24    **Q.** And what was your reaction to learning that?

25    **A.** I was actually shocked because my article was written to

1 support race conscious admissions by using and looking at  
2 Asian-Americans in particular, to actually understand  
3 Asian-Americans and to actually include them in the minority  
4 recruitment process and affirmative action.

5 **Q.** I'd like to talk about your time after graduating.

6 What did you do after graduating from Harvard?

7 **A.** I worked for IBM for six years and then I -- I decided I  
8 didn't like that and I went back to graduate school.

9 **Q.** And did your time at Harvard influence your decision to  
10 go to graduate school?

11 **A.** Yeah. So at Harvard, I was mentioning that I had never  
12 seen so many rich white people before and I thought that  
13 there was tremendous inequality. I learned that there was  
14 tremendous inequality because I felt like there were many  
15 people of different -- all kinds of backgrounds who could  
16 attend schools like that. So I decided that I would study  
17 inequality and study people of my background, and that's what  
18 encouraged me to go back to graduate school.

19 **Q.** And do you work at Hunter College now?

20 **A.** Mm-hmm.

21 **Q.** Why did you decide to work there?

22 **A.** I think Hunter College is a tremendous school. It's a  
23 public school with a very diverse student body, and I enjoy  
24 being in the classroom with my students.

25 **Q.** Have you been involved with Harvard as an alum?

1       **A.**   Yes, I have.

2       **Q.**   In what ways?

3       **A.**   I am -- I was or I am an alumni interviewer. I then  
4       became a subcommittee group chair that coordinated  
5       interviews. And then in 2008, the Harvard Asian-American  
6       Alumni Alliance formed and I became a board member there, and  
7       now I'm a university liaison.

8       **Q.**   And you mentioned the Harvard Asian-American Alumni  
9       Alliance.

10                   Do you know if that organization has joined this  
11       case?

12       **A.**   Yes, it has.

13       **Q.**   What do you do as an alumni interviewer?

14       **A.**   As an alumni interviewer, basically, when we're assigned  
15       an interviewee, we go out and talk to them to try to learn  
16       about their lives. We know that what the admissions office  
17       gets is just paper and we're supposed to bring life to that  
18       paper.

19       **Q.**   And over the years that you've worked as an alumni  
20       interviewer, how many students would you estimate that you've  
21       interviewed?

22       **A.**   Probably over 100.

23       **Q.**   Do you still conduct alumni interviews?

24       **A.**   Yes, I have. But not recently.

25       **Q.**   And as a subcommittee chair for the alumni interview

1 process, what is your role?

2 **A.** So in New York City, we have a unique interviewing  
3 process where we actually have the interviewers and the  
4 interviewees come in on a particular weekend date, and I,  
5 basically, coordinate when the interviewers meet the  
6 interviewees every hour.

7 **Q.** And on that specific interview date, do the interviewers  
8 ever discuss the applicants in a group?

9 **A.** Yes, we do. We usually have two -- we try to have two  
10 interviewers per student and any time we have a question  
11 about their backgrounds or their extra-curricular activities  
12 or anything they've told us that we may not know anything --  
13 we may not understand fully, we discuss them during breaks  
14 and during lunchtime and --

15 **Q.** Sorry. Continue.

16 **A.** Go ahead.

17 **Q.** Why is it helpful to have a discussions?

18 **A.** It's helpful to have discussions because my interviewers  
19 are multi-ethnic, multi-racial of all different kinds of  
20 backgrounds, and so we serve to have a discussion to educate  
21 ourselves and the -- and to learn about the background of the  
22 student.

23 **Q.** As a subcommittee chair, did you make any changes to the  
24 alumni interview process under your jurisdiction?

25 **A.** Yes. I invited many more Asian-American alumni, since I

1 know the number has been increasing, to enroll or encourage  
2 them to volunteer to be interviewers. I also encouraged  
3 other African-American and Latinos, too.

4 **Q.** Based on your experiences as a Harvard student and as a  
5 minority recruiter in the admissions office and as an alumni  
6 interviewer, if you had concerns about discrimination about  
7 Asian-Americans, what would you suggest?

8 **A.** For the admissions?

9 **Q.** For -- in the admissions process.

10 **A.** I think they should probably hire more admissions  
11 officers, learn about demographic differences within the  
12 Asian-American community, because in New York City, at least,  
13 we have 27 -- Asian-Americans speak 27 languages. So they're  
14 really different culturally as well. And I would encourage  
15 them to maybe have implicit bias training.

16 **Q.** Has Harvard done any of these things?

17 **A.** Well, the admissions officers have increased since I've  
18 been there and as a coordinator of the interviewers, I was --  
19 I know that they've done studies and have presented on the  
20 different demographic groups of Asian-Americans to us. So I  
21 know they've done that.

22 **Q.** Based on your experience, would you suggest going to a  
23 race-blind admissions process?

24 **A.** No, I would not.

25 **Q.** And why not?

1     **A.** I feel that race matters in everyday life and race should  
2 matter even in your admissions process. So for example,  
3 Asian-Americans are always seen as forever foreign, no matter  
4 how old you are, no matter whether you're wealthy or poor or  
5 whether -- or what country or what -- I mean, what state you  
6 might live in. So I believe that you should recognize those  
7 differences and those differences may have impacted their  
8 lives up to the application.

9     **Q.** Do you personally support the continued use of race as a  
10 factor in Harvard's admissions process?

11    **A.** I personally do.

12                 MS. HOLMES: Thank you. No further questions, and  
13 I'll pass the witness.

14                 THE COURT: Ms. Chen, are you having any trouble  
15 keeping your voice up? We have a -- we can hear you, but if  
16 it's a strain on you, we have a lapel microphone we can try.  
17 If you're like doing --

18                 THE WITNESS: I'm okay.

19                 THE COURT: Okay. All right. Because I'm not  
20 having any trouble hearing you, but I'm wondering if they  
21 are.

22                 THE WITNESS: I'm okay. I lecture, too.

23                 THE COURT: Guys, I think what we're going to do --  
24 because we're going until 12:30 today, until the lunch break,  
25 so when she's done, we'll take a break for the court reporter



1 and try and reboot the system before the next witness. Okay?

2 MS. FASULO: May I approach the witness, Your  
3 Honor?

4 THE COURT: Yes, of course.

5 MS. FASULO: Would you like a copy, too?

6 THE COURT: Okay. Sure.

7 MS. FASULO: May I approach?

8 THE COURT: Sure. Thank you.

9 EXAMINATION BY MS. FASULO:

10 **Q.** Good morning, Dr. Chen. I'm Meg. We haven't met before.  
11 I have a little bit of a cold, so please bear with me. I'd  
12 like to start by talking with you today about an article that  
13 you wrote with David Ho called "Admissions Impossible."

14 You helped co-write this article; is that correct?

15 **A.** Yes. Yes, it is. Yes, I did.

16 **Q.** Okay. Let's take a look at some of the things that you  
17 helped write in this article.

18 This article says that you surveyed 25  
19 universities; is that correct?

20 **A.** That's correct.

21 **Q.** And in doing this, you talked to some admissions  
22 officers?

23 **A.** No, we didn't.

24 **Q.** Okay. One of the things that you wrote about here is the  
25 selection process; is that right?

1     **A.** Yes, we did.

2     **Q.** Great. Let's turn to the second page of the article and  
3 see what you wrote about the selection process. I have  
4 highlighted here that you wrote, "A student profile is  
5 created for each applicant, combining an academic rating and  
6 a personal rating." Do you see that?

7     **A.** Mm-hmm. Yes, I do.

8     **Q.** And you also wrote that, "The academic rating is fairly  
9 objective since academic credentials are difficult to  
10 misjudge."

11    **A.** Yes, we wrote that.

12    **Q.** And then you also wrote about the personal rating. You  
13 wrote, "A personal rating is based on a personality  
14 assessment, recommendations, essays, interviews,  
15 extra-curricular activities, community involvement,  
16 et cetera." Is that right?

17    **A.** Yes, that's right.

18    **Q.** And then you wrote, "The personal rating often hinges on  
19 the subjective evaluation of a particular admissions  
20 officer."

21    **A.** Yes, that's right.

22    **Q.** And then you give an example. You wrote, "In other  
23 words, a soft-spoken applicant could be judged quietly  
24 confident by one admissions officer, an introverted or  
25 painfully shy by another."

1       **A.** Yes, that's in there.

2       **Q.** And then you say, "It is this subjective rating that is  
3 the downfall of many Asian-American applicants."

4               Those are your words, correct?

5       **A.** Yes, it's our words by consensus, 25 schools.

6       **Q.** Understood. And then in your article, you go on to talk  
7 about myths that exist, and what you wrote is, "We feel that  
8 many admissions officers believe in stereotypes that work  
9 against Asian-American applicants." Is that correct?

10      **A.** Yes, that's correct, but you should put this in the  
11 context of the historical period. This was written in 1983.

12      **Q.** Exactly. I'm -- we're talking about the words that you  
13 wrote in this article -- that you helped write in this  
14 article in 1983.

15      **A.** That's correct.

16      **Q.** Okay.

17      **A.** And in 1983, Asian-Americans in particular, just started  
18 to -- the children of immigrants just started applying to  
19 colleges. So there are very few on college campuses.

20      **Q.** Okay. And then you say that there are stereotypes that  
21 are most prevalent and they fall into four categories?

22      **A.** Mm-hmm.

23      **Q.** Great. So let's see what you wrote about those  
24 stereotypes. The first stereotype that you wrote about is  
25 over-representation.

1     **A.** That's right.

2     **Q.** So you quote from one Johns Hopkins admissions officer  
3 who says, "They, Asian-Americans, are not necessarily  
4 under-populated here." Do you see that?

5     **A.** Yes, I see that.

6     **Q.** And then you quote from the New York Times, which says,  
7 "At the Berkeley campus of the University of California, more  
8 than 20 percent of the undergraduates these days are Asian,  
9 even though they make up only 5.3 percent of the state's  
10 population. At major graduate schools of business, such as  
11 Harvard and Stanford, there has also been a disproportionate  
12 representation of Asian students for almost a decade."

13    **A.** Yes, I see that. Can I go back and talk about the Johns  
14 Hopkins University admissions officer?

15    **Q.** We're just going to keep going.

16    **A.** One of the students who worked for Johns Hopkins quoted  
17 that to us to put in that article.

18    **Q.** Excellent. Thank you.

19                 You've then write, "We believe this attitude  
20 prevails among admissions officers and is reinforced by the  
21 news media. We feel there is no rationale in limiting the  
22 percentage of Asian-American students in schools to the same  
23 ratios reflected in the general population."

24                 Those -- that's what you wrote, correct?

25    **A.** That's correct.

1       **Q.** Great.

2       **A.** And Harvard does not limit the students to the general  
3 population.

4       **Q.** Okay. The second stereotype that you wrote about is  
5 narrow career interests; is that correct?

6       **A.** That's correct.

7       **Q.** Here, you quote a Harvard admissions officer who says,  
8 "It is the diversity element that hurts most of the Asian  
9 applicants because many who apply are pre-medical, science,  
10 technical types." Is that correct?

11       **A.** That's correct. We've heard that said.

12       **Q.** Then you go on to say, "We feel admissions officers fail  
13 to understand the cultural and historical reasons that  
14 Asian-Americans turn to these fields." Is that right?

15       **A.** That's correct.

16       **Q.** And you've then write, "We feel admissions officers must  
17 learn to understand the cultural and historical reasons  
18 behind many" -- or "behind the career choices of many  
19 Asian-Americans and stop viewing these choices as symptoms of  
20 some type of cultural deficiency." Is that correct?

21       **A.** That's correct?

22       **Q.** Great. Let's go now --

23       **A.** So Asian-Americans at that point, as I said before, were  
24 just beginning to come on campus. So the only thing that  
25 admissions officers learned about some of these students were

1 things that they've seen and read in the media. So we wrote  
2 this to educate the admissions officers.

3 **Q.** Okay. Let's talk about the third category of stereotypes  
4 that you talked about. You wrote about the stereotype of  
5 passive personalities, which I have on the screen now. And  
6 you say, "We feel that some admissions officers think all  
7 Asian-Americans are passive or should be. So they penalize  
8 those who do not conform to their racist stereotypes."

9 That's what you wrote in 1983; is that correct?

10 **A.** That's what the 25 of us agreed to, yes.

11 **Q.** Okay.

12 **A.** But this may not be in particular about Harvard.

13 **Q.** I absolutely understand that, yes.

14 **A.** Okay.

15 **Q.** Yes. We are very clear. Thank you.

16 **A.** Okay.

17 **Q.** And then finally, the fourth stereotype that you wrote  
18 about is the model minority myth.

19 **A.** Yes.

20 **Q.** To be clear, the model minority myth is the myth that  
21 Asian-American students are the most hardworking, disciplined  
22 students, driven people imaginable. That's -- that's the  
23 myth, correct?

24 And what you wrote about the myth is, "This model  
25 minority myth has long been perpetuated to pit third world

1 student groups against us. Both we and they are held up to  
2 an impossible ideal image. At the same time, this myth is  
3 also used to whitewash the fact that we as a group have not  
4 made it. It is a myth difficult to reconcile with the  
5 realities of discrimination, poverty, poor housing, cultural  
6 repression and the like that still exist."

7 So these were the four stereotypes that you wrote  
8 about, and you go on to say that, "Admissions officers must  
9 acknowledge their responsibility to ensure that the exclusion  
10 of Asian-American" -- "Asian-Americans into higher education  
11 does not continue."

12 **A.** Yes, that's correct. And it has that Asian-American  
13 admissions has improved since 1983.

14 **Q.** Great. So what I'd like to talk to you now about is the  
15 brief that was filed in the case that you're -- for the  
16 organizations that you are here to represent.

17 **A.** Mm-hmm.

18 **Q.** This is the that brief; is that correct?

19 **A.** Yes, that's correct.

20 **Q.** Okay. So let's take a look at it. On page 29, do you  
21 see the brief says, "Asian-Americans have a long and tragic  
22 history of racial discrimination in the United States."

23 Do you see that?

24 **A.** Yes, I do. I haven't read this since it was filed. I'm  
25 sorry.

1     **Q.** No. No need to apologize. We'll just look at a couple  
2 of passages together.

3             If we look down further on that same page, the  
4 brief says, "Vestiges of this history remains. Today,  
5 Asian-Americans continue to face racial bias and are often  
6 falsely stereotyped as timid, exotic, perpetual foreigners or  
7 model minorities. These views translate into barriers in the  
8 workplace, where Asian-Americans are the group least likely  
9 to be promoted to management even in industries where they  
10 are employed in high numbers, such as the tech industry."

11             Do you see that?

12     **A.** Yes, I see that. And that's the reason why we have to  
13 recognize these conditions.

14     **Q.** And you agree with this statement; that's correct?

15     **A.** Yes.

16     **Q.** Yes.

17             And what this means is, that Asian-Americans still  
18 face some of the same kinds of racial stereotyping that you  
19 wrote about in your 1983 article?

20     **A.** Some of them, yes.

21     **Q.** So I'd now like to take a look at the declaration that  
22 you submitted that went along with this brief.

23     **A.** Mm-hmm.

24     **Q.** This is your declaration; is that right?

25     **A.** Yes, it is.



1     **Q.** And here, in paragraph 27, which is on page 8, you  
2     mention the article that we have been talking about, the  
3     "Admissions Impossible" article; is that correct?

4     **A.** Correct.

5     **Q.** And then what you write about in the next paragraph, you  
6     say that you "urged colleges to set up minority recruitment  
7     programs, to hire Asian-American officers, to increase  
8     training on cultural bias, and to be educated on the  
9     stereotypes that work against Asian-American applicants."

10    **A.** Yes.

11    **Q.** Do I have that right?

12    **A.** Yes. The sentence before says, "Instead of demanding the  
13    elimination of race as a consideration in admissions, as  
14    plaintiff seeks in this lawsuit, we urge colleges to set up  
15    minority recruitment programs, to hire Asian-American  
16    admissions officers, to increase training and cultural bias,  
17    and to become educated on stereotypes that worked against  
18    Asian-American applicants." Yes.

19    **Q.** And you agree that all of the things that you identify in  
20    this paragraph are important to addressing the bias against  
21    and stereotyping of Asian-Americans at Harvard?

22    **A.** Yes, that's what we wrote in 1983.

23    **Q.** And that's what you agree with today?

24    **A.** I think so, and Harvard has done many of these. They  
25    have actually increased the number of Asian-American

1 admissions officers. They continue to recruit minorities,  
2 and as far as I understand, understanding the demographics is  
3 part of training on cultural bias.

4 MS. FASULO: Thank you for your testimony,  
5 Dr. Chen.

6 I have no further questions.

7 MS. HOLMES: Your Honor, if I may, I have a very  
8 brief --

9 THE COURT: Let's give Mr. Lee his turn and then --

10 MS. HOLMES: Oh, I'm sorry.

11 MR. LEE: I'll ask a question.

12 EXAMINATION BY MR. LEE:

13 **Q.** Good morning.

14 **A.** Good morning.

15 **Q.** Just a couple of questions. You were asked a number of  
16 questions about your article written in 1983.

17 Have you been involved with Harvard admissions  
18 since 1983?

19 **A.** Yes. In 2000, I became an alumni interviewer, but not in  
20 the admissions office, an alumni interviewer.

21 **Q.** Has much changed since 1983 in Harvard admissions?

22 **A.** Yes, much has changed.

23 **Q.** Last set of questions.

24 You mentioned that one of the activities of the  
25 coalition was to oppose a write-in slate of candidates to the

1 Board of Overseers; is that correct?

2 **A.** Correct.

3 **Q.** Was one of them named Ron Unz?

4 **A.** Yes, one of them was named Ron Unz.

5 **Q.** He was sponsoring the elimination of race as a  
6 consideration of Harvard admissions?

7 **A.** Yes, that's right.

8 MR. LEE: Thank you. Thanks very much.

9 EXAMINATION BY MS. HOLMES:

10 **Q.** Thanks, Professor Chen. I just have a few follow-up  
11 questions.

12 Concerning the article "Admissions Impossible,"  
13 what was the ultimate recommendation of the 25 people who  
14 were involved in preparing that article?

15 **A.** The ultimate recommendation was to ensure and to keep  
16 affirmative action and to make sure Asian-Americans were  
17 included in race-conscious admissions at these colleges.

18 **Q.** And you've personally studied what helps the promotion of  
19 Asian-Americans in professional settings; is that right?

20 **A.** Yes, that's right.

21 **Q.** And what did you conclude?

22 **A.** We concluded that professionals who were in diversity  
23 programs such as those sponsored by their workplace or even  
24 outside workplaces, in leadership programs, actually learn  
25 different skills, met different people, that helped them move

1 up higher in the professional world and a little bit faster  
2 as well.

3 **Q.** And those diversity programs, is that something that is  
4 race-conscious or race-blind?

5 **A.** They are race-conscious.

6 **Q.** Do you think that admissions officers are more aware of  
7 stereotypes against Asian-Americans today than in 1983?

8 **A.** Yes, I do.

9 **Q.** And has this increased knowledge dispelled, to some  
10 degree, the negative stereotypes against Asian-Americans in  
11 admissions?

12 **A.** Yes, I do. To some degree, yes.

13 MS. HOLMES: Okay. No further questions. Thank  
14 you.

15 MS. FASULO: We have no further questions.

16 MR. LEE: Nothing further, Your Honor.

17 THE COURT: You're excused.

18 We will take a break to let us reboot the system.  
19 How long do you think you're going to need in?

20 THE COURT: All right. How about 11:15, we'll be  
21 back on.

22 (Recess taken, 11:16 a.m.)

23 THE COURT: All right. You can call your witness.

24 Is everyone here? Is everyone -- are we missing  
25 anybody?

1 Ms. Hacker, do you have everyone at your table?  
2 You have an empty chair there.

3 MS. HACKER: We're ready to proceed, Your Honor.

4 THE COURT: Okay. Mr. Hughes, one of you. Go  
5 ahead, when you're ready.

6 MS. DINAN: Your Honor, my name is Emma Dinan. I  
7 represent the student Amici. We'd now like to bring to the  
8 witness stand Sarah Cole.

9 THE COURT: Go ahead.

10 (SARAH COLE duly sworn by the Deputy Clerk.)

11 COURTROOM CLERK: Will you please state your name  
12 and spell your last name for the record.

13 THE WITNESS: Sarah Francis Cole, Cole is spelled  
14 C-O-L-E.

15 EXAMINATION BY MS. DINAN:

16 **Q.** Can you describe your collegiate and graduate education  
17 for the Court?

18 THE COURT: All right. Now that we have the  
19 witness microphone fixed, you're going to have to really keep  
20 your voice up. Okay? I'd like to be able to hear everybody  
21 all on the same witness.

22 **Q.** Can you describe your collegiate and graduate education  
23 for the court?

24 **A.** Yes. I graduated from Harvard College in 2016 and the  
25 Harvard Graduate School of Education in 2017.

1     **Q.** What did you study in college?

2     **A.** In college, I created any own concentration in education  
3     and American Society.

4     **Q.** How did you do academically at Harvard?

5     **A.** I did well. I got mostly A minuses and B pluses, earning  
6     about a 3.6 GPA. I did prioritize my activism and  
7     extra-curricular activities, especially the Black Students  
8     Association, over my classes, which is not anything I regret.  
9     I feel like I got a lot out of those experiences and I was  
10    still able to be admitted into the Graduate School of  
11    Education with the grades that I got.

12    **Q.** What have you done professionally since graduating from  
13    Harvard?

14    **A.** I teach. I taught one year at a public school in Denver,  
15    and I've been teaching for the last two years at a public  
16    school in Washington, D.C. where I teach fifth grade  
17    humanities.

18    **Q.** Can you describe the demographics of your students?

19    **A.** Sure. My school is about 50 percent Latino, 40 percent  
20    black, and the school I taught in in Denver was almost  
21    entirely Latino, and both schools were serving students that  
22    were mostly on free or reduced launch.

23    **Q.** Prior to Harvard, where did you grow up?

24    **A.** I grew up in Kansas City, Missouri.

25    **Q.** Can you tell us a little about your family.

1     **A.** Sure. I have a younger brother, an older sister, and an  
2     older brother. I grew up with both of my parents. They were  
3     chronically underemployed and sometimes even unemployed. My  
4     father had a bachelor's degree from the University of Central  
5     Missouri State, and my mom did not go to college.

6             We had a lot of financial instability growing up,  
7     so there were some times when my family had enough money to  
8     take vacations to Disney World and other times where we were  
9     struggling to keep the lights on. And for my family, being  
10    black Americans, we didn't have generational wealth to really  
11    fall back on. So when my father lost his job, we were  
12    struggling more.

13            Then on top of that, my parents were faced with  
14    racial discrimination when they were trying to secure new  
15    jobs.

16    **Q.** How did your family's situation impact you?

17    **A.** It definitely motivated me. My parents, from the time I  
18    was young, always told me that they wanted me to be able to  
19    have a job that would allow me financial stability, and that  
20    was also a job that I chose, that I found meaning in. And so  
21    that was always a big motivation for me. And then also, when  
22    I was younger, I didn't necessarily realize or understand how  
23    we were facing financial instability, but as I got older, I  
24    was more aware.

25            And in high school, once when my father was laid

1 off, I got to witness him waking up early to get in line for  
2 food pantries so that we could have food, applying for  
3 programs that would help us to be able to pay for our  
4 utilities. He took a job working for the Census Bureau,  
5 going door to door just so that we could have income. And I  
6 was just so proud of him and so inspired by his commitment to  
7 do whatever it took to make sure our family was taken care  
8 of, to make sure we had a roof over our head, food in our  
9 bellies, electricity and seeing how hard he was working. And  
10 the sacrifices he was making made me want to work as hard as  
11 possible so that his sacrifices would be worth it.

12 **Q.** How did this motivation drive you in middle school and  
13 high school?

14 **A.** If I was going to have a career that was going to allow  
15 me to have financial security and was going to be a career  
16 that I found meaning in, I knew that I would have to go to a  
17 college that was a great college, and I knew that if I had --  
18 wanted to go to a great college, I would have to go to a  
19 great high school, and that wasn't going to be the public's  
20 high school that I was supposed to go to because that high  
21 school didn't have full accreditation.

22 So I knew from a very young age that I would have  
23 to be able to earn a scholarship to attend a private college  
24 prep high school. So in middle school, I was always working  
25 to that end and working really hard to that end, and I was



1 able to earn a nearly full ride scholarship to the Pembroke  
2 Hill School, which is arguably the best private college prep  
3 school in Kansas City.

4 **Q.** How did you obtain your academic scholarship to attend  
5 Pembroke?

6 **A.** I had to submit my grades, take some of tests, get  
7 letters of recommendation and write an essay my eighth-grade  
8 year. And actually, it was the first year Pembroke was able  
9 to offer a scholarship of that size. And the two other  
10 students that received that scholarship were also -- happened  
11 to be students of color. They were lower-income students and  
12 they both ended up going to Stanford and Princeton when we  
13 graduated.

14 **Q.** I'm going to show you page 6 of Exhibit SA4.

15 Do you recognize it? What is it?

16 **A.** Yes. This is my high school transcript.

17 **Q.** How did you do academically at Pembroke Hill?

18 **A.** I did really well. I got straight As and A pluses, and I  
19 took challenging courses, lots of advanced placement courses,  
20 and I worked really hard in all of my classes to make sure I  
21 earned an A.

22 **Q.** I am now going to show you page 19.

23 Do you recognize it? What is it?

24 **A.** Yes. This is from my resume. It's a summary of my  
25 academic achievements.

1     **Q.** The first entry describes the Duke University Talent  
2 Identification Program.

3             Can you tell me what that is and how you were  
4 involved with it?

5     **A.** Sure. So through the Next Generation Venture Fund I was  
6 able to go to Duke TIP, the Talent Identification Program.  
7 And the Next Generation Venture Fund was a scholarship  
8 program for lower income/higher achieving students of color  
9 that allowed us to go to different summer camps. I went  
10 to -- over the course of a few years, Duke a couple of times,  
11 Davidson College and even was able to travel to China to take  
12 a course there.

13             But even more importantly, I really credit this  
14 program with being able to go to Harvard because they  
15 provided us with so much support during the college  
16 application process. I received a coach for my essay, my  
17 application essay, and they also paid for ACT and SAT test  
18 prep. The SAT test prep increased my scores by about 200  
19 points, which was a lot, and this is obviously something that  
20 was very great for me, but it was also, on the other hand,  
21 frustrating for me because I knew my friends at Center High  
22 School, which is high school I would have attended, did not  
23 have access to be able to pay for a test like -- pay for test  
24 prep like that or even knew about test prep like that.

25 Whereas my friends at Pembroke had been taking it since their

1 sophomore year of high school.

2 So it was just another example to me of the  
3 differences and access to opportunities to be able to, like,  
4 really cultivate and curate a strong college application  
5 process depending on where you're from.

6 **Q.** Please turn to the next page.

7 Do you recognize it?

8 **A.** Yes. This is also for my resume. It's a summary of my  
9 extra-curricular activities, my community service and my  
10 employment at TJ Max.

11 **Q.** What is Engaged KC Youth Leadership Board?

12 **A.** Engage KC was a board of youth in Kansas City that were  
13 each of us selected by our counselor person, and we would  
14 meet, I think it was once a week, maybe once every other  
15 week, to discuss and strategize around issues affecting youth  
16 in Kansas city. For example, how many youth in Kansas City  
17 were college bound, and I was on the communications body,  
18 meaning that I was in charge of the social media and  
19 outreach.

20 **Q.** How would you describe your experience at Pembroke Hill?

21 **A.** I received an excellent education at Pembroke. By the  
22 time I was graduating from Pembroke, I felt ready for a  
23 rigorous education at Harvard and -- yeah, I just felt very  
24 prepared.

25 On the other hand, it was pretty socially

1 isolating. I was one of only a few -- a small handful of  
2 black students there, which made it difficult to feel really  
3 racially and culturally a part of the school, but we did --  
4 the small handful of us, we did really stick together and  
5 support each other, especially when we encountered, like,  
6 casual racism, which was not infrequent.

7 **Q.** Can you recall your sentiments during high school about  
8 your contribution to the Pembroke community?

9 **A.** Yeah. I felt like I had a responsibility to and the  
10 opportunity to show my peers and my teachers what a different  
11 example of what it could look like to be both black and  
12 academically excellent. I didn't coax, which by that I mean  
13 I didn't try to talk more formally or present myself in a way  
14 that's more white passing. I just spoke the way that I  
15 spoke. I walked the way that I walked. I dressed the way  
16 that I dressed, and I still did really, really well  
17 academically.

18 And so I tried to challenge their stereotypes and  
19 their understandings of what you had to look like and what  
20 you had to sound like in order to be intelligent.

21 **Q.** Why did you apply to Harvard?

22 **A.** My college counselor told me to. He felt like I had a  
23 chance. At -- at Pembroke we had, actually, a college  
24 counseling suite with several college counselors, and I was  
25 assigned one of them. And he felt like I would have a very

1 good chance of getting in Harvard, which, again, this is  
2 another example of something that was really great for me to  
3 have a college counselor that took the time to get to know me  
4 and actually believed in me. But when I think of my friends  
5 at Center, the school I would have gone to, in conversations  
6 I had with them just learning about how they had to fight to  
7 be able to get a chance to see their college -- not their  
8 college counselor -- their school counselor, their guidance  
9 counselor to get advice on the college application process.  
10 And then when they would finally get to see her, she would  
11 often discourage them from even applying to college at all.  
12 And this was just another example of students, because of  
13 where they're from, because of what they look like, not  
14 having someone believe in them, whereas, because I was at a  
15 school that had the resources to have counselors actually get  
16 the time to get to know me, I had just a different  
17 experience.

18 **Q.** What was your reaction when you were admitted to Harvard?

19 **A.** I cried. I felt like my acceptance to Harvard validated  
20 all of the hard work that I had put in my entire life,  
21 validated the sacrifices my family had made, and yet I had  
22 zero desire to go to Harvard. I saw Harvard as a, like,  
23 stage two of my high school. A school -- I saw Harvard as a  
24 school that was made for wealthy white people and where I  
25 would be, again, in the minority and where I would, again,

1 have to constantly deal with casual racism, constantly try to  
2 teach my peers and superiors how to be less racially biased,  
3 and I didn't want to have to go through another four years of  
4 that. So I didn't have any interest in attending Harvard.

5 **Q.** Why did you decide to attend Harvard?

6 **A.** So I had the chance to visit Harvard and that visit  
7 completely changed my mind about it. The undergraduate  
8 recruitment minority -- the undergraduate minority  
9 recruitment program connected me with a young black woman who  
10 was a student there at the time, and she and I are still  
11 friends. So I was able to stay with her and she introduced  
12 me to her group of friends.

13 And I can just remember sitting in Annenberg Hall  
14 eating dinner at a table full of young black people and we  
15 were laughing together and talking about politics and pop  
16 culture and academia and having this, like, huge wide breadth  
17 of conversation, and I just enjoyed it so much. I was like  
18 "Oh, wait. I actually can see myself here, and I feel like I  
19 could fit in here, and I feel like I could have community  
20 here in ways that I just never imagined I could have." And  
21 that made me want to go there.

22 **Q.** What was your experience as a freshman at Harvard?

23 **A.** Not what I expected. It was an interesting year. My  
24 freshman fall, I took a class called Urban Problems and  
25 Politics, and I was reviewing the syllabus and saw that there

1 was -- at no point, a chance for us to learn about urban  
2 violence, which is something that I think is like an  
3 essential part of the conversation, if you're talking about  
4 urban problems.

5 So when I asked the professor about it, he was  
6 like, "Oh, yeah. Well, I just don't really know anything  
7 about it, so we're not going to talk about it." And I was  
8 like, "Well, can we in the next reading?" He was like, "No,"  
9 which was very frustrating to me because it showed to me that  
10 he didn't think that this was an important topic. And so  
11 instead of addressing issues that I see as important, we  
12 spent the semester learning about building codes.

13 **Q.** Can you explain further why you perceive this to be a  
14 fundamental issue?

15 **A.** Yeah. It's a personal issue. It hits really close to  
16 home. Kansas City has some of the highest homicide rates in  
17 the country, some of the highest youth homicide rates in the  
18 country, and the summer after my junior year of high school,  
19 I -- one of my closest childhood friends lost her best friend  
20 to gun violence. He was shot and killed by another young  
21 person. And the loss of his life, which was -- I mean, we  
22 always say like a promising life, but it really was just a  
23 promising exuberant life. It really woke me up and I  
24 committed myself to try to find solutions in ways to prevent  
25 youth violence in Kansas City.

1 I spent my senior year at Capstone Project  
2 researching the issue and looking for solutions. I brought  
3 it up to the Engaged KC Youth Board, and we ended up making  
4 recommendations to city leadership. I was able to work with  
5 the mayor the following summer on a major initiative that was  
6 actually fairly successful at preventing or at least  
7 decreasing youth violence in Kansas City, and that program  
8 actually still continues. And this was -- that experience  
9 and the path that it kind of sent me on was the subject of my  
10 essay.

11 And so after I had just spent a year, like, really  
12 pouring myself into this issue of youth violence and urban  
13 violence, to then hear this Harvard professor dismiss the  
14 topic altogether and make it seem like it wasn't important  
15 was just absurd to me. And to me, it shined a light on  
16 Harvard's disinterest in the particular problems of  
17 communities of color and how Harvard's faculty kind of  
18 determined what they prioritize in the classes they offer and  
19 in their research.

20 **Q.** I'm going to show you page 18 of your admissions file.

21 Is this your personal statement to which you were  
22 referring?

23 **A.** Yes, it is.

24 **Q.** Were there other significant events during your freshman  
25 year that impacted your impression of the racial diversity



1 climate at Harvard?

2 **A.** Yes. And in, I think it was November of my freshman  
3 year, a Harvard student published an article in Harvard's  
4 newspaper about affirmative action. And in that article she  
5 said that admitting black students to Harvard was like  
6 teaching a blind person how to be a pilot.

7 **Q.** How did this impact you?

8 **A.** I was outraged. Up to that point no one had suggested to  
9 me, not anyone from back home, not anyone at Harvard had  
10 suggested to me that I did not deserve to be at Harvard  
11 because of my race. And then it wasn't even just me. It was  
12 an entire race of people. The suggestion that an entire race  
13 of people could never actually deserve to be at Harvard was  
14 ridiculous to me.

15 But I will say that the Black Students Association  
16 was a saving grace at that time. I was able to really find  
17 community, and we were able to really lean on each other.  
18 And even though we were outraged that someone had the  
19 audacity to assert that despite our accolades and our  
20 achievements and all the challenges we had overcome we  
21 weren't deserving of being at Harvard, we were able to  
22 support each other and remain steadfast in our confidence  
23 that we did deserve to be there, and we did deserve the  
24 opportunity to be at Harvard.

25 **Q.** What effect did these experiences have in motivating you

1 to engage in activist spaces on campus?

2 **A.** It definitely pushed me to participate in and create  
3 spaces of activism on campus. My sophomore year I had helped  
4 to create The Diversity Report, which was a coalition of  
5 students of color, so it was black students, Latino students,  
6 Asian students working together to advocate that Harvard  
7 better provide institutional support to lower-income students  
8 of color.

9 We created a grade card for different  
10 administrators on how they were supporting racial diversity  
11 on campus, and we found them to have received an  
12 unsatisfactory grade. And with that grade, we provided them  
13 a set of demands in order to have a better score, demands  
14 like increasing the number of faculty of color, demands like  
15 providing diversity, racial diversity training for the  
16 faculty so that they could better engage with students of  
17 color and with lower-income students of color. Yeah.

18 **Q.** What other activities were you involved in?

19 **A.** Starting my freshman year I was really involved with the  
20 Black Students Association, and by my senior year I was the  
21 president of the Black Students Association.

22 This was an interesting time to be president  
23 because that summer before junior year started, Eric Garner  
24 was killed by police and Michael Brown was also shot and  
25 killed by police. And the deaths of black people at the

1 hands of police completely became my focus as president of  
2 BSA, and I had quite a bit of responsibilities in that role.  
3 I was responsible for, like, trying to come up with ways for  
4 Harvard's black community to grieve and process and feel  
5 empowered through demonstrations and rallies. I had the  
6 responsibility of helping administrators figure out how to  
7 really support the campus. I worked with other student  
8 groups, white student groups, Latino student groups to help  
9 them think through, first of all, just what was Black Lives  
10 Matter and also figure out how they could be better allies.

11 So I had a lot on my plate, and it was a pretty  
12 intense year. And it was an intense year coming after  
13 another intense year. So my sophomore year I was doing the  
14 work with the diversity report where I was advocating for  
15 administrators to better support lower-income students of  
16 color and felt like most of my advocacy got ignored pretty  
17 blatantly, so that was an emotionally exhausting and pretty  
18 disheartening year. And then I kind of went through that in  
19 another way when I was BSA president seeing life after life  
20 after life being ended and not much justice being given to  
21 black people at that time. So by the end of junior year, I  
22 was even more emotionally and physically exhausted.

23 **Q.** What were your interactions with Harvard's administration  
24 when you were president of the Harvard Black Students  
25 Association?

1     **A.**   Yeah.   So Dean Khurana called me one day out of the blue  
2     and asked me to help him write an email that he was going to  
3     send to the entire student body in response to the police  
4     shootings of black people.   And honestly, I was a little  
5     frustrated by the call because we ended up spending about an  
6     hour drafting this email, and that wasn't time that I had  
7     offered, and this was on top of all the other  
8     responsibilities I had to tend to.

9             But I will say that after that phone call, Dean  
10    Khurana continued to call me, but those phone calls were  
11    often to check in on me, see how I was doing.   If he saw me  
12    in the dining hall, he would ask me how I was doing and would  
13    ask if there were things that he could do with the black  
14    community.   So I do think even though that first phone call  
15    was a bit frustrating, his heart was in the right place, and  
16    he did really want to see -- he did really want to make  
17    Harvard's campus a more welcoming and supportive space for  
18    black students.   And I often wondered if his willingness to  
19    feel that and to think that way was because he was also a man  
20    of color.

21            Because when I think of other Harvard  
22    administrators, not necessarily that I had conversations with  
23    while I was BSA president but especially while I was working  
24    with the diversity report, I often felt like they were  
25    unwilling to take the claims and opinions and pain of

1 students of color seriously. We would sit at a table with  
2 Harvard administrators and ask them what felt like nothing,  
3 ask them to provide diversity trainings to professors, and  
4 they would just tell us no, or they would tell us it's not  
5 possible without much thought, and it just felt like they  
6 were being so dismissive. But there was another  
7 administrative figure, the late Dr. Counter, who was at the  
8 time a director of the Harvard Foundation. He was someone  
9 else who I felt like was invested in my personal well-being  
10 but also in the uplift of the black community. He always  
11 showed up. He always gave his time. He also would check in.  
12 But again, this was another man of color, a black professor.  
13 And I think this kind of shows me again the importance of  
14 being able to have more faculty of color on Harvard's campus  
15 so that students of color have access to these mentors, these  
16 support systems and the professors and faculty at Harvard as  
17 well.

18 **Q.** In your personal experience, do you think the Harvard  
19 administration adequately supports students of color?

20 **A.** I don't think so. And in conversations even with black  
21 alumni, it's clear to me that the same problems we were  
22 dealing with the alumni had been dealing with decades ago.  
23 It was the same problems being iterated over and over again,  
24 and there might have been like some progress, but Harvard as  
25 an institution in general had refused to make actual

1 institutional changes to better support students of color,  
2 which to me is like why representation of students of color  
3 on Harvard's campus matters so much, because Harvard  
4 administration and Harvard as an institution has so  
5 consistently refused to provide support to students of color,  
6 so we've had to do that work ourselves. We've had to create  
7 those support systems. We've had to create the community  
8 that allows us students of color to feel confident and able  
9 to thrive on its campus. And if you have fewer students of  
10 color on Harvard's campus, then there's fewer people to do  
11 that work and that work becomes more exhausting.

12 **Q.** What impact would a reduction of African-American  
13 representation at Harvard have on Harvard's racial climate in  
14 academic benefits?

15 **A.** It would have a severely adverse impact on Harvard's  
16 racial climate. I think back to when the black community on  
17 Harvard's campus was grieving deeply when we were being  
18 inundated with news story after news story of black people  
19 being killed by police officers, meanwhile our white  
20 classmates seemed completely unfazed. And we couldn't lean  
21 on them. We could only really lean on each other to be able  
22 to grieve and process what was happening. And it was so  
23 important at that time to be able to have like a strong  
24 community that we could lean on for that type of support.

25 And then in terms of academics, there is so much

1 value that black students offer academically. They make  
2 classes -- the class and learning experiences so much richer.  
3 I can't tell you how many times I've had professors email me  
4 thanking me for the contributions I've made in class or  
5 classmates stopping me outside of class thanking me for  
6 sharing my perspective. I remember once I had shared my  
7 perspective on an issue as a black woman specifically, and  
8 the woman stopped me after class and thanked me for sharing  
9 my prospective. That's just me. I'm only one person. I'm  
10 sure that that's happened, even if people aren't  
11 communicating it to so many of the black students on  
12 Harvard's campus. So the learning would be less. There  
13 would be less learning if there were fewer black students.

14 **Q.** Now, we've focused on your racial identity and related  
15 experience for some time. Do you also identify with a  
16 particular socioeconomic status?

17 **A.** Yes. Working class.

18 **Q.** How is your perspective shaped by your socioeconomic  
19 identity?

20 **A.** As I touched on earlier, my experiences as a  
21 working-class black person motivate me to be able to make the  
22 sacrifices and hard work of my parents worthwhile. I also  
23 think that my experiences lead me to really feel in  
24 solidarity with lower-income people and lead me to feel a  
25 strong commitment to fighting for a world where people don't

1 have to endure the hardships of poverty, and this is a big  
2 reason why I teach.

3 **Q.** To what extent does your perspective differ in any way  
4 from others of the same socioeconomic status because of your  
5 ethnicity?

6 **A.** It just does differ. The experiences of a black  
7 working-class person are different from the experiences of a  
8 white working-class person and are different from the  
9 experiences of an Asian or Latino working-class person. The  
10 particular prejudices and stigmas and barriers that I face as  
11 a black working-class woman are simply different than those  
12 other groups.

13 **Q.** What benefits does socioeconomic diversity produce on  
14 Harvard's campus?

15 **A.** I think it definitely produces both social and learning  
16 benefits. It makes Harvard's campus a richer place, and it's  
17 one of many parts of students' identities that adds benefits  
18 to Harvard's campus, including like the racial diversity, how  
19 that also adds benefits to Harvard's campus.

20 **Q.** What differences are there in the academic benefits  
21 flowing from socioeconomic diversity compared to those  
22 flowing from racial diversity?

23 **A.** They're different. The perspectives and experiences that  
24 low-income students bring to Harvard's campus to make it a  
25 richer campus are different than the perspectives and



1 experiences that students of color bring, and those are  
2 different than the perspectives and experiences that lie at  
3 the intersection of low-income students of color. And so  
4 because they're different, like, we get different benefits  
5 from them.

6 **Q.** Do you have any personal experience on that, on the  
7 difference between those?

8 **A.** Yeah. So when I think about the students who were most  
9 likely to advocate for Harvard to do better by students of  
10 color, oftentimes it was the low-income students of color  
11 because they were more impacted by the racial barriers at  
12 Harvard, and we have -- like, all students of color  
13 experience them, but it was often most impacting lower-income  
14 students of color.

15 Then when I think about my own family and my own  
16 family's history of financial instability, I can see where  
17 there's like that difference in experience and perspective  
18 that comes from being a person of color in addition to  
19 experiencing financial instability. So I imagine a white  
20 working-class father being laid off from his job and maybe  
21 even struggling to find work, but he doesn't have to face the  
22 disadvantages and discrimination that my black father had to  
23 face when he was laid off from his job and unable to find  
24 work.

25 But on the on the other hand, even when we were

1 doing well financially and we were able to take vacations, we  
2 couldn't fully enjoy those vacations because when we entered  
3 white spaces, we were being called the "N" word. I have  
4 memories of that from what I was eight years old; or when my  
5 mother didn't have to work because my father was making  
6 enough income and she could be more involved in our  
7 education, she was often pretty ridiculously mistreated by my  
8 teachers because they didn't want to take her claim seriously  
9 that her black daughter might be gifted and that her black  
10 daughter might be deserving of a more rigorous education.

11 And so regardless of whether we were struggling  
12 financially or not, our race has always shaped our  
13 experience, and that is a part of what I'm able to offer and  
14 black students are able to offer to the learning environment,  
15 because we have those particular experiences.

16 **Q.** What do you think Harvard needs to do to attend to its  
17 student community?

18 **A.** It needs to be honest about the experience of students of  
19 color. And it needs to be willing to listen to the students  
20 of color. It needs to really take seriously the need to  
21 cultivate a culture of basic respect where I am not cursed at  
22 or physically assaulted just because I'm marching through  
23 campus saying that black lives matter.

24 There should probably be a high-level administrator  
25 who is specifically dedicated to the work of making sure

1 Harvard's campus is a welcoming campus for students of color.  
2 They need to be willing to invest in adequate racial  
3 diversity training for their professors so that the  
4 professors are able to teach black and brown students but  
5 also model for all of their students what it looks like to be  
6 a leader in a diverse world, because all of their students  
7 are looking to them as mentors in that way.

8 Harvard needs to be more proactive about attracting  
9 and placing on tenure professors of color, not only because  
10 professors of color are often -- students of color more  
11 readily see professors of color as mentors because also  
12 because the research of your professors is often, at least in  
13 what I experience, shaped by their identity. And right now  
14 Harvard has a social responsibility to support professors  
15 that are doing research that affect communities of color, to  
16 name a few things.

17 **Q.** Based on your experience, what do you think would happen  
18 if Harvard invested less in or got rid of race-conscious  
19 admissions and focused more on supporting students of color  
20 on campus?

21 **A.** I think, first of all, fewer students of color would  
22 apply. If Harvard adopted race-blind admissions, that would  
23 signal to students of color that Harvard was disinterested in  
24 us. Race-blind admissions is an active erasure. To try to  
25 not see my race is to try to not see me simply because there

1 is no part of my experience, no part of my journey, no part  
2 of my life that has been untouched by my race. And because  
3 of that, it would be nearly impossible for me to try to  
4 explain my academic journey, to try to explain my triumphs  
5 without implicating my race. So I couldn't even submit an  
6 application, and so many other students of color would  
7 probably feel that way, too.

8 And if there are fewer students of color applying  
9 to Harvard, that means there are a fewer students of color  
10 accepting the chance to go to Harvard, and there would be  
11 fewer students of color there, which means there would be  
12 fewer students of color able to create that support system  
13 that I talked about earlier. So it would actually be pretty  
14 counterintuitive to try to make Harvard a more supportive  
15 place for students of color if you adopted race-blind  
16 admissions.

17 It's really important to value representation on  
18 campus in addition to finding ways to provide greater  
19 institutional support. Representation and institutional  
20 support are equally important.

21 MS. DINAN: Thank you, Sarah.

22 MS. HACKER: SFFA has no questions for this  
23 witness, Your Honor. Ms. Cole, thank you for being here  
24 today and sharing your testimony with us.

25 MS. CONNOLLY: And Harvard has no questions. Thank

1     you, Ms. Cole, for your testimony.

2             THE COURT: You're excused. Thank you.

3             MS. McCLELLAN: Good morning, Your Honor. Cara  
4     McClellan for Amici Organizations. Amici organizations would  
5     like to call Ms. Catherine Ho.

6             (CATHERINE HO duly sworn by the Deputy Clerk.)

7             COURTROOM CLERK: Can you please state your name  
8     and spell your last name for the record.

9             THE WITNESS: Catherine Ho, H-O.

10            EXAMINATION BY MS. McCLELLAN:

11     **Q.** Good morning, Ms. Ho.

12     **A.** Good morning.

13     **Q.** Where do you attend college?

14     **A.** I go to Harvard College.

15     **Q.** And when are you expected to graduate from Harvard?

16     **A.** I'm in the class of 2021.

17     **Q.** And how are you associated with this lawsuit?

18     **A.** I am a co-president of the Asian-American Women's  
19     Association, also known as AAWA.

20     **Q.** And how is AAWA associated with this lawsuit?

21     **A.** So AAWA and I submitted a declaration as an Amici.

22     **Q.** And did you also submit an amicus brief?

23     **A.** Yes.

24     **Q.** How would you describe your racial or ethnic background?

25     **A.** I identify as Asian-American, more specifically

1 Vietnamese-American.

2 **Q.** And when did your family emigrate from Vietnam?

3 **A.** So my parents came in the early '90s. My parents were  
4 both refugees because of the war, and my dad came over in I  
5 believe '91, and my mom came over in '94. And in that time  
6 they maintained communication through writing letters to each  
7 other, which I still have now.

8 **Q.** What do your parents do for a living?

9 **A.** My mom is a small business owner and my dad is an artist  
10 and blows glass.

11 **Q.** Have your parents' experiences as refugees from Vietnam  
12 impacted you in any way?

13 **A.** Definitely. So besides the fact that I'm a  
14 first-generation American, like, bridging that divide between  
15 what I experience at home and what I experience, like,  
16 outside of the house, also, the fact that they weren't able  
17 to obtain a higher education because of the war and because  
18 of their status as refugees has informed how I think about  
19 education as a privilege and, like, how privileged I am to be  
20 able to go to college at Harvard.

21 **Q.** Where did you grow up?

22 **A.** I grew up in Louisville, Kentucky.

23 **Q.** And where did you attend high school?

24 **A.** I went to duPont Manual High School.

25 **Q.** What kind of high school is that?

1     **A.** It's a public magnet school, so we had five magnets, and  
2 everyone who was at the school had to apply in some way.

3     **Q.** I want to talk a bit about your experience applying to  
4 Harvard. First of all, when you applied to Harvard, what was  
5 your GPA or class ranking?

6     **A.** I believe I was seventh out of the class of 400 plus, and  
7 my GPA was weighted at the end of graduation, 4.48.

8     **Q.** Did you take the ACT?

9     **A.** Yes.

10    **Q.** Would you be willing to share your ACT scores?

11    **A.** Yes. It was a 35 composite.

12    **Q.** And when you applied to Harvard, did you submit an essay?

13    **A.** Yes. I submitted three.

14    **Q.** Okay. Can you tell us about your first essay?

15    **A.** Yeah. So the one on the common app was about the  
16 Vietnamese language, so Vietnamese doesn't have the  
17 conjugations that other languages might have. So how we talk  
18 about the past, the present and the future are all the same  
19 conjugation. So I wrote about that and how that's kind of  
20 reflective of my parents' experience coming to America. And  
21 even though obviously they did not ask for the war, they did  
22 not ask to have to move and leave everything they knew  
23 behind, they just kept rolling on, like, this is life, we  
24 have to deal with it, and how that has informed how I feel  
25 about my life. And yes, life will throw difficulties your

1 way, but you just got to keep going sometimes.

2 **Q.** Tell us about your second essay.

3 **A.** My second essay that was also on the common app was about  
4 working in the refugee center that my mom utilized when they  
5 first went to Louisville. So she went to this community  
6 center, and that's where she learned English and, like, how  
7 to be an American, how to live in America. And the community  
8 center still exists today, and when I was in high school, I  
9 volunteered there, and how I felt like it was coming full  
10 circle and how my identity and how my mother's experience had  
11 encouraged me to pursue these opportunities.

12 **Q.** Tell us about your third essay.

13 **A.** Yes. So this was the one that Harvard -- the  
14 supplemental one for Harvard. And it was about going to  
15 Vietnam and seeing how different the world there is and how  
16 different the lived experience there is and having a better  
17 appreciation for everything that my parents had to go through  
18 and, like, the divide they really had to bridge. And also it  
19 impacted me in the way that I view, like, the world, and  
20 we're all connected and how, even if I don't necessarily  
21 impact Vietnam, there's things that I can do in Louisville or  
22 in Cambridge and Boston that can impact my direct community.

23 **Q.** All three of your essays indicated that you are  
24 Vietnamese?

25 **A.** Yes.



1     **Q.** Was it important to you to be able speak about your race  
2     and ethnicity in your application to Harvard?

3     **A.** Definitely.

4     **Q.** Why?

5     **A.** Because for me race has influenced all of these factors  
6     of my life, like the idea of intersectionality, which is the  
7     idea that facets of our identity are not concrete, like the  
8     fact that they all influence each other, and I can identify  
9     more with the fact I'm Vietnamese-American or a woman or  
10    college student or my age or whatever, the amount to which  
11    these different things affect me differs from room to room  
12    and from time to time. And these factors are not static.  
13    They, like, all influence each other.

14               So if race were to have been removed and I couldn't  
15    have talked about that, I don't know what I would have  
16    written about because all of my experiences are informed by  
17    the fact that I am Vietnamese-American.

18    **Q.** Could speaking about your socioeconomic status have  
19    allowed you to present your whole self if you could not  
20    discuss race?

21    **A.** No.

22    **Q.** Why not?

23    **A.** Because going back to the idea that all of these factors  
24    influence each other, part of coming from my socioeconomic  
25    background is because my parents are refugees, and, like,

1 that is part of the story. So if you remove this critical  
2 part, the story is not complete. The story can't really even  
3 be told, really.

4 **Q.** Have you ever viewed your Harvard application packet?

5 **A.** I have.

6 **Q.** Why?

7 **A.** Because I think it was just something that I was  
8 interested in. And also, as a first semester, first year, as  
9 a freshman, I think a lot of students just want to see what  
10 the school thinks about them. It's kind of fun because  
11 there's so much mystery around it.

12 **Q.** What was your reaction when you reviewed your application  
13 packet?

14 **A.** At first I was a little creeped out because Harvard had  
15 identified me as somebody who would be interested in the PBH,  
16 which is the Phillips Brooks House, which is an umbrella  
17 organization for all of these service organizations on  
18 campus. So I viewed this in the winter of like the second --  
19 I guess like this time last year.

20 And I had already started working with PBH and  
21 certain programs. It was really weird that Harvard, like,  
22 had been able to identify that. But also it mentioned my  
23 essays and being Vietnamese-American. And I actually called  
24 my dad right after the viewing, and I was like, they've  
25 talked about how I was Vietnamese-American. Because for him

1 and for my mother as well, I don't think there are many  
2 narratives about being Vietnamese-American in America, so  
3 just to be able to say, like, our story matters to them was  
4 really important.

5 **Q.** Was Harvard your first choice?

6 **A.** It was not.

7 **Q.** What was your first choice?

8 **A.** I applied early decision to Columbia and got first  
9 deferred and then did not obtain admission to Columbia.

10 **Q.** Why did you decide to go to Harvard?

11 **A.** Because I think for me Harvard provided a lot of  
12 opportunities, like the idea of the liberal arts. And even  
13 now, like, being able to take so many different classes and  
14 not really having to put yourself into, like, one  
15 concentration, which is what we call our fields of study, I  
16 think that was really important.

17 And coming in, I knew I had an interest in two very  
18 different subjects that I wouldn't be able to bridge  
19 otherwise. But also, like, going to Harvard meant like  
20 something that I could, like, show to other  
21 Vietnamese-Americans that they could also obtain this. And I  
22 think that was really important to me as well.

23 **Q.** Was the diversity that Harvard offered important to you  
24 when you applied?

25 **A.** Definitely.

1     **Q.** And did you visit Harvard?

2     **A.** I visited Harvard during Visitas, which is the admissions  
3 weekend for seniors in high school.

4     **Q.** And can you tell us a little bit about that visit.

5     **A.** Yes. So during the visit, we have something called the  
6 activities fair where all these hundreds of organizations,  
7 like, hand out promotional material or, like, talk about  
8 their organization. And even though, like, walking around I  
9 just saw people who I felt like I could connect with or saw  
10 diversity of students, at this activities fair specifically I  
11 saw like booths for the Asian-American Association or  
12 Asian-American Women's Association, which I later became  
13 involved in, like, the reality that these organizations were  
14 on campus and provided a space for students to come together  
15 and just make friends and also, like, for other reasons was  
16 really important for me. And seeing these organizations made  
17 me realize that Harvard definitely could be a home for me and  
18 has since become a home for me.

19     **Q.** And now that you are a student at Harvard, how are you  
20 doing academically? What grades have you received?

21     **A.** Yeah. I've been doing pretty well.

22     **Q.** Will you be willing to share with us your grades?

23     **A.** Yeah. It's a 3.8.

24     **Q.** So you mentioned that you are involved in AAWA.

25     **A.** Yes.

1     **Q.** What is AAWA?

2     **A.** So AAWA is again the Asian-American Women's Association.  
3     It was active when Radcliffe, which was the institution that  
4     was the sister school to Harvard when Harvard was only for  
5     men, it was active during that time. And it kind of died off  
6     for a while.

7             But in the 2014-2015 school year our co-presidents,  
8     refounding co-presidents felt there was a need for there to  
9     be a space on campus for Asian-American women that was  
10    non-competitive and open to all genders and identities to  
11    where we could come together and not only support each other  
12    but specifically identify forces and I guess -- yeah, forces  
13    that have affected your lives not only at Harvard but beyond  
14    and how to put that and to -- like, to be able to express  
15    that and to realize those forces are the same, even if they  
16    manifest in different ways, and then also how to take  
17    tangible steps to address those barriers.

18    **Q.** Is there more than one affinity group for Asian-American  
19    students at campus?

20    **A.** Yes.

21    **Q.** Approximately how many are there, if you know?

22    **A.** I think it's hard. There are so many because there's  
23    such a wide diversity of Asian-American experiences but  
24    probably like 20 or 30, somewhere along there.

25    **Q.** Would you say there's diversity within AAWA?

1       **A.**   Yes.

2       **Q.**   Is the diversity within AAWA important to you?

3       **A.**   Definitely.  As a Southeast Asian-American, I think  
4       that -- especially Vietnamese-American, I think that that is  
5       very different than some other experiences, Asian-American  
6       experiences.  So I think that even within AAWA, being  
7       Pan-Asian is really important because we realize how diverse  
8       the Asian-American experience is.

9       **Q.**   You mentioned that you are co-president of AAWA.

10      **A.**   Yes.

11      **Q.**   What are your duties as co-president?

12      **A.**   Specifically I kind of oversee the dialogue committee and  
13      also outreach committee, but also we go to meetings where,  
14      for our board meetings we will organize events for all of the  
15      general members.  We also are on the women's cabinet and also  
16      Pan Asian Council.

17      **Q.**   How much time do you spend in your role as co-president?

18      **A.**   About five to ten hours a week.

19      **Q.**   And how has AAWA affected your experience at Harvard?

20      **A.**   So when I was a first-year, I always knew that I wanted  
21      to, like, be in an Asian-American organization, and  
22      specifically for me, AAWA was really important because it was  
23      particularly identity-based, and I felt like it was a place  
24      where I could talk about things that I had experienced.

25                 And AAWA for me, especially during my first year,

1 was a huge source of support, not only having friends but  
2 also tangibly. Like, there are older students in the  
3 organization who could tell me like, oh, maybe don't take  
4 these two classes together, just very tangible information  
5 about, like, how to be a student at Harvard.

6 And then now, as a sophomore and having sort of a  
7 leadership role, I think being able to be in a mentor-type  
8 role to first-year students is really important because I  
9 think that it just shows that you belong on campus and you  
10 have a space on campus.

11 **Q.** And did you have mentors who were Vietnamese women before  
12 coming to Harvard?

13 **A.** No.

14 **Q.** Approximately how many students participate in AAWA?

15 **A.** So the mailing list is 200 to 250 people. But one of the  
16 biggest things about AAWA is that we never want it to be a  
17 burden on you, and we want you to be in the right head space  
18 or at least feel like you want to come to our events, so the  
19 attendance at our events differs.

20 **Q.** What types of events does AAWA host?

21 **A.** So we have two main type of events. We have  
22 community-building events and dialogue events.

23 **Q.** Can you please turn to what has been marked as Amici  
24 organization Exhibit 17. Do you recognize this?

25 **A.** Yes.

1     **Q.** How do you recognize this?

2     **A.** This was one of our publicity materials for a study  
3 break, which is a type of community-building event that we  
4 did this past spring.

5     **Q.** And did someone in AAWA create this?

6     **A.** Yes.

7     **Q.** Is this a true and accurate copy of the flier for this?

8     **A.** Yes.

9             MS. McCLELLAN: Your Honor, I move to submit Amici  
10 Organization Exhibit 17 into evidence. Counsel has been  
11 provided with a copy.

12             MS. HACKER: No objection, Your Honor.

13             MS. CONLEY: No objection.

14             THE COURT: It's admitted.

15             (Amici Exhibit 17 admitted into evidence.)

16     **Q.** Now, does this flier indicate that the event was open to  
17 students who don't identify as Asian-American?

18     **A.** Yes. It says all genders and identities welcome.

19     **Q.** Why did you include this description?

20     **A.** Because for AAWA, it's always been all gender and  
21 identities welcome. Even if it's not explicitly on our  
22 publication material, it's on the emails we send out. And  
23 it's really important for us as an organization to express  
24 that it's just not for people who identify with the  
25 experiences of Asian-American womanhood. If you're



1 interested in learning more about who we are as an  
2 organization or about what we as individuals care about, we  
3 want you to be able to feel like you can talk to us and not  
4 just this exclusive space.

5 **Q.** And where was the event hosted?

6 **A.** It was in the women's center.

7 **Q.** And what is mochi?

8 **A.** Mochi is a traditional Japanese snack. It's like a  
9 sticky rice. It's kind of sweet and usually goes on top of  
10 ice cream.

11 **Q.** Why did you decide to make mochi?

12 **A.** First of all, because it was spring and we wanted to have  
13 something bright, especially, like, after a Boston winter,  
14 but also because it's a little time-intensive to make, but  
15 it's pretty easy, it just takes time, and it was an easy way  
16 for our board to bond. So making mochi, listening to music  
17 and having that was a board-bonding activity.

18 **Q.** Was mochi a cultural -- making mochi a cultural  
19 experience?

20 **A.** I think it was -- it was, yeah.

21 **Q.** And were there people in attendance who were not familiar  
22 with mochi before they attended?

23 **A.** Definitely.

24 **Q.** You mentioned a second type of event that AAWA hosts.  
25 What are dialogue events?

1     **A.** So dialogue events are a little bit more guided and  
2     focused, whereas with community-building events, it's not --  
3     like, obviously we're going to talk about things that matter  
4     to us and affect us, but it's not like there's a specific  
5     topic of the day.

6             With dialogue events, they're a little more  
7     focused. So, for example, we've had grad students who  
8     identify with the experiences of Asian-American women that  
9     come in to talk to us. We've also had, like, anti-black  
10    racism in the AAPI community, things like that.

11    **Q.** I'm showing you what has been marked as Amici  
12    Organization Exhibit 6. Do you recognize this?

13    **A.** Yes.

14    **Q.** How do you recognize this?

15    **A.** This was also publicity material for an event that we had  
16    last fall.

17    **Q.** And is this a true and accurate copy of the flier for the  
18    event?

19    **A.** Yes.

20             MS. McCLELLAN: Your Honor, I move to submit Amici  
21    Organization 6 into evidence. Counsel has been provided a  
22    copy.

23             MS. HACKER: No objection.

24             MS. CONLEY: No objection.

25             THE COURT: Admitted.

(Amici Exhibit 6 admitted into evidence.)

**Q.** Now, were there other hosts for this event?

**A.** Yes, there were. So the Chinese Association and the Harvard -- Association were also co-sponsors.

**Q.** And was there a facilitator?

**A.** There was.

**Q.** What happened during the event?

**A.** So at first the event had a lot of interest. Actually 600 people were interested in the event. And because of the nature of the event, we had to kind of do a lottery. But people came in Teknor and we sat around and we first discussed very basic terms so that we were all on the same page. So we defined power and privilege and structures so we were all using the same language and there was no ambiguity as to what we were talking about. Then we broke out into smaller groups. And each group had a piece of journalism or newspaper report in which there was evidence or reporting of Asian-American violence or bias towards black people in the community.

And then after that we came together and the facilitator asked us all to close our eyes, and then the facilitator asked us questions about our own biases or our own experiences. But with our eyes closed, we raised our hands, and we all opened our eyes with hands raised. And we looked around to just realize that this was not singular

1 experience but something more prevalent in the community.

2 Then we talked about what that means and how to approach  
3 these conversations with people outside of the people who had  
4 been at the event.

5 **Q.** And can you read for us what was the title of the event?

6 **A.** Yes, Anti-Black Racism in the Asian-American Community.

7 **Q.** Why did you feel it was important to have a discussion  
8 about this topic?

9 **A.** Because I definitely think that anti-black racism is very  
10 prevalent in the Asian-American community, and it was really  
11 important that we, first of all, like, acknowledge that this  
12 bias exists and stereotypes exist within the community and  
13 how to work forward from that. Because all communities of  
14 color -- like, solidarity is so important, and it's not like  
15 we should be dividing ourselves. Yes, there are differences  
16 in our lived experiences, but by recognizing those  
17 differences, we can be stronger together.

18 **Q.** I want to show you what's been marked as A031 next.

19 **A.** Mm-hmm.

20 **Q.** Do you recognize this?

21 **A.** Yes.

22 **Q.** How do you recognize this?

23 **A.** This was part of the women's week event, and this was  
24 also a publication that we sent out over the email list.

25 **Q.** And what is this?

1     **A.** This is a flier for an event titled Unlearn the Language  
2     of Misogyny, which is something the women's center does every  
3     year, and together with CSA and OAASIS, which are two other  
4     organizations on campus, AAWA organized and asked professors  
5     to come in and talk about how misogyny in language is --  
6     like, how even like misogyny is perpetuated throughout our  
7     language, even things we don't think about have connotations.  
8     And there were really interesting conversations about the  
9     German language and poetry and the idea of, like, a  
10    gender-neutral language.

11   **Q.** Is this a true and accurate copy of the flier for the  
12   event?

13   **A.** Yes.

14               MS. McCLELLAN: Your Honor, I move to submit Amici  
15   Organization Exhibit 31 into evidence.

16               MS. HACKER: No objection.

17               MS. CONLEY: No objection.

18               THE COURT: Admitted.

19               (Amici Exhibit 31 admitted into evidence.)

20   **Q.** Who hosted this event?

21   **A.** Yes. AAWA, CSA and OAASIS, which are the other two  
22   organizations co-sponsored with the women's center.

23   **Q.** Can you tell me what the other organizations -- I know  
24   you shared their acronyms, but what are they, and what do  
25   they stand for?

1     **A.**   CSA is the Chinese Students Association, and then OAASIS  
2     is Organization of Asian-American Sisters in Service.

3     **Q.**   Now, what is Breaking Barriers?

4     **A.**   Breaking Barriers was the theme of women's week last  
5     year, so the idea of, like, tangible steps that we can walk  
6     away with and implement in our daily lives to kind of, like,  
7     address this problem of the patriarchy.

8     **Q.**   And why did AAWA decide to host an event during women's  
9     week?

10    **A.**   Because as an Asian-American Women's Association, we  
11    obviously value the intersectionality of womanhood and the  
12    Asian-American experience, and we thought that it was really  
13    important that we are able to talk about, like, things that  
14    we care about. And, like, language is something we all use  
15    every day, so it was important that we were able to kind of  
16    sit down and analyze where this comes from.

17    **Q.**   How often does AAWA co-host events with other  
18    organizations on campus?

19    **A.**   Regularly.

20    **Q.**   Is AAWA part of the Women of Color Collective?

21    **A.**   Yes.

22    **Q.**   And what is Wok Tales?

23    **A.**   Wok Tales is an event that we have with other women of  
24    color organizations on campus, Latinas Unidas, Association of  
25    Black Harvard Women and the South Asian Women's Collective.

1 And we all get together and we have, like, cheese and, like,  
2 wine and non-alcoholic drinks. And it's just a nice way for  
3 all of these other organizations to be able to come together  
4 when we usually -- like, to have all these people meet each  
5 other and talk about, like, just class or life or like forces  
6 that have impacted all of us.

7 **Q.** What would you say is the racial or ethnic background of  
8 students who attend Wok Tales?

9 **A.** It's hard to say because there's such a diversity of  
10 students who attend.

11 **Q.** And if we take the Unlearning the Language of Misogyny  
12 event that we just discussed as an example, what was the  
13 racial or ethnic background of the students who attended that  
14 event?

15 **A.** It was also very diverse. Because of the organizations,  
16 there were many Asian-Americans. There were also a lot of  
17 black students and white students, like, a lot of people were  
18 there.

19 **Q.** Would you say students of all backgrounds attend AAWA  
20 events?

21 **A.** Yes.

22 **Q.** Now, you mentioned earlier that you do community service  
23 with the Phillips Brooks House Association; is that right?

24 **A.** Yes.

25 **Q.** Do you think the diversity at Harvard impacts the service

1 that PBHA or the Phillips Brooks House Association can  
2 provide to the community?

3 **A.** For sure.

4 **Q.** How?

5 **A.** Because I think that when volunteers come into a  
6 community, especially like a specific community that has a  
7 specific background, I think the community is much more  
8 receptive to these volunteers so they can understand where  
9 they're coming from and understand their story.

10 So for example, like Chinatown ESL, I think the  
11 community is much more receptive if you can understand what  
12 Chinatown is and where these people are coming from or even  
13 being able to speak to them in Mandarin or Cantonese or,  
14 like, similar programs in Dorchester.

15 **Q.** Are you familiar with the Vietnamese community within  
16 Boston?

17 **A.** Yes, in Dorchester.

18 **Q.** How are you familiar?

19 **A.** So Dorchester is an area where there are many  
20 Vietnamese-Americans. Not only do I have family there, but  
21 there are certain programs that go on, certain programs that  
22 work with refugee youth or children of refugees. And also  
23 Dorchester has really good food, Vietnamese food.

24 **Q.** Have you interacted with the Vietnamese community through  
25 your work in PBHA?



1     **A.** I've not directly worked with programs in Dorchester, but  
2     many of my Vietnamese friends, even people who are not  
3     Vietnamese, go into Dorchester quite often.

4     **Q.** Do you feel that having Vietnamese students who are part  
5     of the students that volunteer impacts the services they're  
6     able to provide?

7     **A.** Definitely. Because I think that -- like, obviously it's  
8     not mandatory that you are Vietnamese or whatever to be a  
9     volunteer, and we want a lot of people to become involved.  
10    But I think that if there are Vietnamese voices in the room  
11    to talk about, like, what it means to be a refugee or there's  
12    certainly baggage that comes with being a refugee, I think it  
13    can inform the whole group of how we should approach these  
14    maybe barriers to connecting with people or even how we  
15    should approach the community at large.

16    **Q.** Do you feel that Harvard has a diverse learning  
17    environment?

18    **A.** Yes.

19    **Q.** Has Harvard's diversity affected your educational  
20    experience?

21    **A.** Yes.

22    **Q.** How so?

23    **A.** Because education is not just what you learn in the  
24    classroom. I think that Harvard really emphasizes the  
25    learning that goes on in dorms and dining halls. And

1 specifically, like last year I had a roommate who is black.  
2 And given everything that happened on campus with the police  
3 violence last year --

4 **Q.** Sorry. Can you first explain, was there an incident that  
5 produced police brutality on campus last year?

6 **A.** There was, towards a black student. And being with her  
7 and, like, literally being her roommate through that and  
8 seeing how -- like, obviously I was very upset, but how  
9 differently she was upset and how she as an individual had to  
10 respond and how she as an individual who is part of an  
11 organization that was releasing statements had to respond.  
12 Like seeing how much we can learn from each other, like, how  
13 I would never have thought that, like, I would be so  
14 emotionally responsive. Like, I would have never seen that  
15 if I hadn't had that, like, living experience with her.

16 And also just like my roommate this year who is a  
17 first-generation student as well and whose parents are also  
18 immigrants, like, talking to her about the pressure of coming  
19 to Harvard and like the pressure of being the first one in  
20 your family to go to college or like even gender expectations  
21 within certain communities, I think that was really important  
22 because then, like, I feel the same things, but I just never  
23 knew that they were so widespread. So I think that that has  
24 definitely affected my educational experience.

25 **Q.** To clarify, when you mentioned the incident of police

1 brutality, did it involve a student who was black?

2 **A.** Yes.

3 **Q.** And had you had black friends before attending Harvard?

4 **A.** I had, but never anyone that I lived with or even talked  
5 about, like, race dynamics as much as with my roommate.

6 **Q.** And your roommate was African-American last year?

7 **A.** Yes.

8 **Q.** Do you feel that your experience with diversity at  
9 Harvard, in particular your experience living with an  
10 African-American roommate, has really impacted how you think  
11 about social problems?

12 **A.** Definitely, because I think that, obviously, like, we  
13 know that our -- I think a lot of us can realize that our  
14 lived experience is not the only lived experience. But I  
15 think that we can sometimes forget how vast those lived  
16 experiences can be. And living and learning with people who  
17 do share very different experiences than you do just I think  
18 brings to the forefront that there are so many different  
19 experiences. So you go into conversations or problem-solving  
20 situations knowing that there's so much out there in the  
21 world and that you should be a little more nuanced and come  
22 from your own perspective and only -- know that your  
23 perspective is one lived experience and not everyone's  
24 experience.

25 **Q.** And you mentioned that your second roommate was Latina?

1     **A.**   Yes.

2     **Q.**   Did you have friends who were Latinx before coming to  
3     Harvard?

4     **A.**   No.

5     **Q.**   What did you learn from your experience living with a  
6     student who was Latinx?

7     **A.**   So obviously, we just shared snacks, which is great, but  
8     also, she's also a first-generation student, and her parents  
9     also came to America, are immigrants. And I think that  
10    talking to her about, like, what it means to be at Harvard  
11    and what it means to be part of a community in which so  
12    much -- not pressure but, like, you yourself put pressure on  
13    your Harvard experience to, like, succeed or to be role  
14    models for other people in the community, I think that was  
15    really important so it's not like, oh, I'm not going through  
16    this alone, and just having someone to talk to I think is  
17    really important. But also similar to my roommate last year,  
18    sometimes things just go on in life at Harvard. And we're  
19    like, wow, maybe that wasn't, like, the best thing that was  
20    said, or, like, wow, that was weird, did you think that was  
21    weird. And having someone to be like, oh, this is weird,  
22    like, you also thought that wasn't okay, that's so important  
23    because then you know you're not the only one. You're not  
24    overreacting. You're not making things up, they're  
25    questionable things that happen.

1     **Q.** Are you familiar with concerns about the potential impact  
2     on black and Latinx students' admissions if race were  
3     eliminated from Harvard's admissions process?

4     **A.** I'm aware of those concerns.

5     **Q.** What are those concerns?

6     **A.** I think it's the fear that if race were to be removed  
7     from the admissions process, the number and the presence of  
8     Latinx, black, indigenous students on campus would be  
9     definitely decreased.

10    **Q.** Would a decrease of black and Latinx students impact your  
11    experience?

12    **A.** Without a doubt.

13    **Q.** How so?

14    **A.** From the perspective being the co-president of AAWA, as I  
15    mentioned before, AAWA does do a lot of events with other  
16    organizations of color. And obviously, if those  
17    organizations of color have fewer members and the  
18    organization itself is not as strong, doesn't have as many --  
19    doesn't have as many opportunities to cohost events,  
20    obviously that's going to be detrimental to AAWA.

21           But also, as an individual student, we learn from  
22    other people, and we learn from listening to their stories,  
23    listening to their perspectives. And if their perspectives  
24    and stories aren't present on campus or aren't as present on  
25    campus, who are we supposed to be learning from? I

1 definitely think my educational experience, like I talked  
2 about before, would definitely have been worse off if there  
3 were fewer -- like, if I couldn't have these conversations.

4 **Q.** And you mentioned that it was affirming to be able to  
5 have these conversations with your Latinx roommate in the  
6 face of weird occurrences on campus.

7 **A.** Yes.

8 **Q.** Can you explain what in particular do you mean when weird  
9 occurrences happen?

10 **A.** Yeah. So I think that there are jokes made about, like,  
11 certain races that I think students, like, don't think of, as  
12 the person making them may not think that they're like  
13 harmful, but as students of color we, like, definitely felt  
14 that was weird, like, they shouldn't have said that.

15 **Q.** Are these in particular racially-insensitive comments?

16 **A.** Yes. And I think that, like, if I were the only one who  
17 maybe thought that was weird, maybe I would have brushed it  
18 off as like, oh, I made it up, or they didn't mean that. But  
19 being able to have someone to affirm like, no, that was  
20 weird, that was wrong, I think that is super important in  
21 that we can -- we have to first recognize that there's a  
22 problem before we can fix it.

23 **Q.** And you mentioned that it would be difficult for AAWA to  
24 host as many events if there was a decrease in black and  
25 Latinx students. Could you give us an example of what you

1 mean by that?

2 **A.** Yes. For example, like Wok Tales. Every year, obviously  
3 the organization sends people but also the organizations  
4 contribute money. And if the money comes from dues or from  
5 funding from the school, that depends on the number of  
6 students who are in the organization. If the organization is  
7 smaller, they just can't contribute, like, the members can't  
8 come, there are fewer members that can come, and also they  
9 can't contribute monetarily. So we would definitely have  
10 more difficulty having these events.

11 **Q.** As a co-president of AAWA, did you take part in the  
12 decision of AAWA to join this lawsuit?

13 **A.** Yes.

14 **Q.** How was that decision made?

15 **A.** So over the summer, my co-president Stephanie and I  
16 talked about it. And then we reached out to the chairs of  
17 our board and also to senior advisors who were former  
18 co-presidents. And together we decided that it was really  
19 important for AAWA and Asian-American women and  
20 Asian-Americans in general to be able to tell the story for  
21 themselves and also that we stand in solidarity with other  
22 communities and with our own community.

23 **Q.** Why was it important to AAWA members to be able to tell  
24 the story for themselves? What do you mean?

25 **A.** Because as AAWA, we realize that within the

1 Asian-American community there's such a diversity of stories,  
2 and we should be able to tell those stories, and we should be  
3 able to write about these stories for ourselves. So that's  
4 what telling stories -- like, it's my story; I should be able  
5 to tell it.

6 **Q.** Do you support the continued use of race as a factor in  
7 Harvard's admissions process?

8 **A.** Yes.

9 MS. McCLELLAN: Thank you.

10 THE WITNESS: Thank you.

11 MS. HACKER: No questions for this witness from  
12 SFFA. Thank you for being here today, Ms. Ho.

13 MS. CONLEY: No questions from Harvard. Thank you,  
14 Ms. Ho.

15 THE COURT: You're excused, Ms. Ho.

16 We're going to break for lunch in ten minutes. Do  
17 you all have a preference on starting your next witness or  
18 breaking a little bit early?

19 MS. HOLMES: I think we would prefer to break a  
20 little bit early so we don't have to interrupt the testimony.

21 THE COURT: Okay. I have a meeting I have to do  
22 right now, so we'll come back on at 1:30. All right.  
23 Thanks, everyone.

24 (Recess taken 12:22 p.m.)  
25



1 \*\*\*\*\* AFTERNOON SESSION \*\*\*\*\*

2 MS. HOLMES: Amici organizations calls Cecelia  
3 Nunez to the stand.

4 THE CLERK: Can you please stand and raise your  
5 right hand.

6 (CECELIA NUNEZ duly sworn by the Deputy Clerk.)

7 EXAMINATION

8 BY MS. HOLMES:

9 Q. Good afternoon, Ms. Nunez.

10 A. Good afternoon.

11 Q. Where do you go to school?

12 A. I go to Harvard College. I'm a third-year student.

13 Q. When are you expected to graduate?

14 A. May of 2020.

15 Q. What is your major?

16 A. I study history and literature with a focus in Latin  
17 American studies.

18 Q. Do you have a minor?

19 A. I have a secondary in Spanish.

20 Q. Do you live on campus?

21 A. I do. I live in Leverett House, which is one of the  
22 upperclassman houses.

23 Q. How would you describe your racial and ethnic background?

24 A. I identify as African American and Mexican-American. My  
25 father is Mexican-American; he was born in the U.S. My

1 mother is African American.

2 **Q.** Why are you here testifying today?

3 **A.** I am on board for two of the organizations that signed  
4 onto the amicus briefs, so I am on board for Fuerza Latina  
5 and the Phillips Brooks House Association, and I'm also just  
6 here as a student who is interested in this case and the  
7 precedent it will set.

8 **Q.** What is Fuerza Latina?

9 **A.** Fuerza Latina is the pan-Latinx organization on campus,  
10 so it is a social space to help represent Latinx and Latin  
11 American students on campus.

12 **Q.** And what is the Phillips Brooks House Association?

13 **A.** The Phillips Brooks House Association is a kind of center  
14 for public service on campus, so we run a lot of programming  
15 in the Greater Boston area.

16 **Q.** Does it also go by PBHA?

17 **A.** It does.

18 **Q.** Have you ever testified in court before?

19 **A.** I have not.

20 **Q.** I'd like to ask you some questions about before you came  
21 to Harvard. Where did you grow up?

22 **A.** I am from San Gabriel, California, which is in  
23 Los Angeles County.

24 **Q.** Can you describe your high school?

25 **A.** I went to an all-girls Catholic school. It was pretty

1 small. It was about 636 people in my graduating class. Most  
2 students there identified as Latina, but we had students from  
3 other backgrounds as well.

4 **Q.** You mentioned most students identified as Latina.

5 With are there any black students there?

6 **A.** In my graduating class only myself and another girl  
7 identified as black. There may have been one or two other  
8 students in the lower classes.

9 **Q.** And what was it like to be one of two black students in  
10 your high school class?

11 **A.** I think that it was difficult in the sense that I think  
12 it put certain expectations on you and how you were meant to  
13 kind of behave and present yourself, especially with people  
14 who aren't familiar with kind of -- your identity as a black  
15 person. And I think it makes it especially hard when you  
16 also identify as Latina, as I do myself. Because I think  
17 that it makes it so that if your experience doesn't match up  
18 to what other people expect your experience to be, they don't  
19 tend to kind of view it as valid.

20 **Q.** Did you experience any bullying growing up?

21 **A.** In middle school I think I was bullied more just because  
22 I went to a different school. So there was one incident  
23 where a student had basically filmed me for a few weeks,  
24 along with other students she had been doing this to, and  
25 then posted it onto YouTube with a lot of insults kind of

1 behind it, most of which I think were racial slurs. I never  
2 actually saw the video, but that's what I was told.

3 **Q.** How did that incident make you feel?

4 **A.** I think that it makes you kind of feel invalidated in  
5 your identity and kind of who you are, and I think in some  
6 ways is meant to kind of make you feel as if you should feel  
7 like you're less than because of your identity.

8 **Q.** Growing up, did you ever face stereotypes or assumptions  
9 about you or your family that were based on race?

10 **A.** I think that for me a lot of the assumptions were made  
11 kind of about my family's background and who they were  
12 especially because of my race. So I think that for most  
13 people, they often assume that I came from a low  
14 socioeconomic background or that my family wasn't educated or  
15 that we in some way were less than other families in my city.

16 **Q.** And can you think of any examples of those assumptions?

17 **A.** I think especially in elementary school and in middle  
18 school when most of my friends came from different racial  
19 backgrounds, often their parents wouldn't want them to come  
20 to my house or interact with my family because I think they  
21 assumed that we came from a very low background, as I  
22 mentioned, or in some ways we were going to be a bad  
23 influence on their children.

24 **Q.** You mentioned your parents. What was their socioeconomic  
25 and educational background?

1     **A.** Both my parents come from low-income backgrounds, but  
2     they were also both the first in their families to go to  
3     college. So my mother went to Tulane University in  
4     Louisiana. My father went to Loyola Marymount in Los  
5     Angeles. And they both went to Harvard Medical School later  
6     on.

7     **Q.** I'd like to ask you about applying to Harvard. Did you  
8     have a top choice or a dream school when you started the  
9     college application process?

10    **A.** I didn't. I think in most people's experiences, Harvard  
11    was kind of their like dream from a very young age. I think  
12    for me it wasn't always some place that I thought I would  
13    have wanted to go to. So I think that for me -- it was  
14    certainly up there in schools in terms of which ones I might  
15    end up selecting, but it was never kind of my dream to go to  
16    Harvard.

17    **Q.** And what did you consider when you were choosing between  
18    colleges?

19    **A.** Obviously I think academics and kind of the program that  
20    would be in place were a large part of my decision. But I  
21    think that it was also very important to me as a person of  
22    color and also someone coming from a diverse place like  
23    Los Angeles to be in a school that had a very diverse student  
24    body and a student body that felt very welcoming to all  
25    students who would be coming there.

1     **Q.** When you made your decision, were you coming down to  
2     Harvard and another school or a couple of schools?

3     **A.** I ended up being between going to Harvard and University  
4     of Chicago.

5     **Q.** How did you make that choice?

6     **A.** So I visited both schools in the same weekend as part of  
7     their visiting weekends. So I during that time interacted  
8     with a lot of students that were currently on campus and a  
9     lot of organizations on campus that I thought I might be  
10    interested in, such as cultural orgs or service orgs.

11                 And I think that speaking to those students, for me  
12    personally, Harvard felt like for me a better fit and a place  
13    that had the diverse student body and welcoming student body  
14    that I was looking for.

15    **Q.** Can you elaborate on the conversations that you had with  
16    students at either Harvard or University of Chicago that  
17    influenced your decision?

18    **A.** Mm-mm. So I went to the University of Chicago's visiting  
19    weekend first, and I went to their activities fair there.  
20    They have -- from what I understand, they have a Latinx  
21    organization, but they weren't present at the time. I spoke  
22    to the Black Students Association and spoke to them kind of  
23    briefly about the schools I was thinking about going to, my  
24    own experience. And they told me that they, in their  
25    opinion, felt that Harvard could be a more welcoming place

1 for me and that they didn't really feel supported by their  
2 own student body.

3 And I think this was kind of corroborated when I  
4 went to Harvard. And for me, I felt like it was a much more  
5 welcoming space.

6 **Q.** Would you have decided to go to Harvard if the number of  
7 black or Latinx students were substantially decreased, say by  
8 50 percent?

9 **A.** I don't think so. I think especially because for me  
10 Harvard wasn't always my kind of dream school or number one  
11 choice. I think I was still looking very critically at kind  
12 of what it had to offer. And I think I had visited a number  
13 of schools that had a much less diverse population. And it  
14 was something that me and my family were definitely noting in  
15 my decisions. So I think that had I gone to Harvard and  
16 hadn't felt like it was a space that would be welcoming to  
17 people of color and it hadn't felt like a very diverse space,  
18 it probably would have affected my ultimate decision to go.

19 **Q.** Let's talk about your application to Harvard.

20 If you don't mind my asking, what were your  
21 standardized test scores?

22 **A.** So I received a 2280 on the SAT. I believe the old  
23 system was 2400. I'm not sure what it would be on the  
24 current system. And I took the SAT, which is out of 36, and  
25 I received a 35.

1     **Q.** And what high school extracurriculars did you include in  
2     your application?

3     **A.** I was in our student government. So I was our class  
4     president for our senior year and our treasurer for our  
5     junior year. I also was the president of the student board  
6     of trustees for a nonprofit that I worked with in my  
7     hometown, and I was their site supervisor for one of their  
8     programming sites. And I also was on board for two of the  
9     service organizations at our high school. So I was president  
10    of our national honor society and vice president of our key  
11    club.

12    **Q.** What academic awards or other honors did you include in  
13    your application?

14    **A.** I was on our honors list for most of my time at high  
15    school, so I included that. I also received the Wellesley  
16    Book Award for my PSAT scores as well as other academic  
17    achievement in high school. And I also included -- I was  
18    also the salutatorian for our school. That isn't decided  
19    based on grades at my school because we didn't rank. But it  
20    was kind of based on academic achievement as well as kind of  
21    an application process you had to go through.

22    **Q.** What responsibilities does the salutatorian have for  
23    graduation?

24    **A.** So they give the class speech. So because we don't have  
25    a ranking system and a valedictorian, it's kind of the person



1 who will give the class speech.

2 **Q.** Did you identify your race on your application to  
3 Harvard?

4 **A.** I did. So I checked off that I identified as black and  
5 Mexican-American.

6 **Q.** And other than self-identifying, did you discuss race in  
7 your application anywhere?

8 **A.** I think the biggest place that I probably would have  
9 discussed race was in my personal essay. I talked a lot  
10 about the work I had done in high school as a mentor and  
11 working with youth. And in that, I talked a lot about my own  
12 identity and how that had kind of been a tool that I used to  
13 build a relationship with the youth I worked with, especially  
14 because most of the students also identified as black or  
15 Latina in some way.

16 **Q.** Why did you choose to write about that topic?

17 **A.** For me, mentoring was a large part of my high school  
18 experience, and service in general was a large part of my  
19 family life and kind of how I grew up. So it felt natural  
20 for me to talk about that topic. And I think in my  
21 experience as a mentor, identity is a large part of how you  
22 make those relationships and how you build a connection with  
23 youth and kind of create trust. And I think for me, race was  
24 a large part of that.

25 **Q.** If you had been prohibited from identifying your race in

1 your application to Harvard, would that have affected your  
2 ability to present yourself in the application?

3 **A.** I think that I could have written an essay about  
4 mentoring, but I think it would have felt very disingenuous  
5 in that I would have kind of been going around the real  
6 relationships I built and the connections I built because of  
7 my race. So I think it wouldn't have felt kind of as strong  
8 an essay and as honest an essay as it came off as.

9 **Q.** Did you do an alumni interview?

10 **A.** I did.

11 **Q.** Can you tell me about that discussion?

12 **A.** So we ended up having a very long discussion. We talked  
13 a lot about family background and kind of what my  
14 interviewer's experience had been being a person of color at  
15 Harvard. He identified as Asian American, and we talked a  
16 lot about kind of what diversity was like at schools and kind  
17 of what it was like to be a person of color at college.

18 **Q.** If Harvard had a color-blind admissions process, would  
19 that have impacted your decision to attend?

20 **A.** I think that I probably still would have filled out the  
21 application, but I think certainly it would have jumped out  
22 to me as something strange. And I think I would have  
23 questioned maybe the motives of the school and if the school  
24 was really that dedicated to diversity and to its students of  
25 color if it was failing to recognize them from the get-go, so

1 I think it certainly would have affected my thinking in some  
2 way.

3 **Q.** I'd like to ask you about your current Harvard  
4 experience.

5 Do you think Harvard is -- the Harvard student body  
6 is racially and ethnically diverse?

7 **A.** I think that it's certainly more diverse than other  
8 schools I've come into contact with. I'm sure there might be  
9 other schools in the community that are more diverse. But in  
10 my experience, I think it's a pretty diverse place.

11 **Q.** How does the diversity compare to schools that you've  
12 previously attended?

13 **A.** So I -- in my high school experience and my middle school  
14 experience, most students identified as Latinx or Asian  
15 American just because that was the makeup of my hometown.

16 But I think Harvard's diversity in terms of  
17 percentages is more diverse than the schools I came from in  
18 terms of just the percentages of minority students. But even  
19 I think that within those racial groups, there's a lot more  
20 diversity of ethnic background or family experience than I'm  
21 used to.

22 **Q.** What do you mean that within those racial groups there's  
23 more diversity? Can you give an example?

24 **A.** I'm very involved in the Latinx organizations and life on  
25 campus. So I think often in the places where I'm from, that

1 usually only means people who identify as Mexican-American.  
2 But I think that Harvard encompasses a lot of students from  
3 Central America, the Caribbean, South America. So I think  
4 that in that way it's a much more diverse group of students.

5 **Q.** And how has Harvard's diverse environment affected your  
6 college experience?

7 **A.** I think that for me it's been really rewarding to be on a  
8 campus where there are other students of color, who I think  
9 can kind of connect to my own issues and my own identity,  
10 that I can have meaningful conversations with. And I think  
11 it's also been very powerful to interact with students who  
12 don't share my ethnic identity per se, and therefore I think  
13 we can have various conversations about what the differences  
14 are and what kind of the cultural experiences there have been  
15 like.

16 **Q.** What have you learned from those interactions with  
17 students who don't share your background?

18 **A.** I think, like I mentioned, Los Angeles is a diverse  
19 place, but I think that it's kind of limited in terms of its  
20 kind of ethnic diversity. So I think I've learned a lot more  
21 about what it means to identify as black or what it means to  
22 identify as Latinx in talking to students who kind of come at  
23 those identities from a very different way and who have had  
24 very different experiences with it.

25 **Q.** Has Harvard's diverse environment affected your academic

1 experience?

2 **A.** I think so, especially because I'm someone who works in  
3 Latin American studies. I talk a lot about kind of culture  
4 and diversity in a lot of my classes. Therefore I think  
5 being in classrooms when those conversations are happening  
6 with people who also come from diverse experiences and who  
7 also have a relationship to the subject matter has been  
8 really rewarding and, I think, given me the power to kind of  
9 talk about my own identity and make those conversations  
10 happen in class when I know that there are other people in  
11 class who may also feel that way.

12 **Q.** How about your social experience? Has Harvard's racial  
13 and ethnic diversity affected your social experience?

14 **A.** I think so. I'd like to think that my kind of  
15 relationships at Harvard are pretty diverse. My rooming  
16 group, for example, is myself, two other students who  
17 identify as Latina, and a student who identifies as black and  
18 Chinese-American. So I think in a lot of ways my friendship  
19 groups are made up of very diverse students.

20 **Q.** You mentioned that you did a lot of community service in  
21 high school. Have you continued this in Harvard?

22 **A.** I did. So I am currently the mentoring programming  
23 officer for PBHA, so I oversee all of the mentoring programs  
24 we do at PBHA.

25 I also direct one. So I direct the Boston Refugee

1 Youth Enrichment Program, which is shorted to BRYE is the  
2 acronym. I direct their teen program, so I work with  
3 recently emigrated youth in the Dorchester area.

4 **Q.** How many programs does PBHA oversee?

5 **A.** PBHA currently has over 70 programs. At this moment,  
6 it's over 70. I oversee about ten or so of them.

7 **Q.** And is PBHA run by students or run by the administration,  
8 the Harvard administration?

9 **A.** PBHA is a 501(c)(3) nonprofit that's student led. So our  
10 officers team is all students, and the majority of our board  
11 of trustees is students, but certainly it does have a  
12 relationship with the Harvard administration.

13 **Q.** You mentioned BRYE, the Boston Refugee Youth Enrichment  
14 Program. Can you describe your work with BRYE?

15 **A.** Mm-hmm. So I started working with them the summer after  
16 my freshman year. I worked with their summer camp and then  
17 from there I worked with the teen program.

18 So I think that's been really rewarding to be able  
19 to make relationships with students who come from similar and  
20 also very different backgrounds as myself. And I think that  
21 is similar to my high school mentoring. A lot of really  
22 rewarding relationships have been made through discussing  
23 culture and family.

24 **Q.** Has your experience at PBHA been influenced by the  
25 diversity of Harvard student body?

1     **A.** Yes. I think as an officer for PBHA but even just as  
2     someone who works in the programming, I think we really value  
3     diversity and understand that a lot of the relationships  
4     we're making with constituents are made through kind of talks  
5     about identity and talks about where you come from and how  
6     that can be similar or different to our students.

7             So I think that even from a logistical standpoint,  
8     it's very important that we have people who kind of  
9     understand our constituents' diverse experiences and can kind  
10    of create relationships in that way.

11    **Q.** What is the racial makeup of the constituents or the  
12    people of the community that the PBHA serves?

13    **A.** We don't necessarily have specific statistics, but most  
14    of the communities we work with are predominantly communities  
15    of color in that we work with a lot of communities of color  
16    and low-income communities in Boston which are made  
17    predominantly of Asian and black and Latinx identifying  
18    people.

19    **Q.** What are the racial makeup of PBHA volunteers from  
20    Harvard?

21    **A.** I think that we certainly do have a large group of white  
22    students who do work with PBHA. But I think we've also made  
23    important strides, especially in the recent years, to make  
24    sure we are also working with a lot of diverse communities on  
25    campus to encourage students of color to get involved in PBHA

1 programming.

2 **Q.** As a board member of PBHA, were you involved in  
3 discussions about whether the organization should join this  
4 case?

5 **A.** I was.

6 **Q.** And why did PBHA decide to get involved?

7 **A.** I think that it's for a lot of the reasons I mentioned,  
8 in that I think diversity is something that's always been  
9 very important to PBHA and its ability to continue its  
10 mission in working with underserved populations of Boston.

11 So I think that cases like these are very important  
12 to us in that they could have a very large effect on what the  
13 diverse makeup of Harvard would look like.

14 **Q.** What's your understanding of that effect that this case  
15 could have?

16 **A.** I think that -- at least from my own personal  
17 understanding, I think that policies such as race-blind  
18 admissions or ending a lot of inclusive admissions at schools  
19 like Harvard could be detrimental to the diverse populations  
20 that exist at Harvard. And I think from the PBHA side of  
21 things, that means a less diverse volunteer kind of base and  
22 people who understand where our constituents are coming from.

23 **Q.** Have you personally had any negative experiences related  
24 to race while at Harvard?

25 **A.** I think so. I think certainly I've had kind of smaller



1 instances of racism such as kind of the ones I mentioned in  
2 high school, people making a lot of assumptions about my  
3 background or who I am because of my race.

4 There's been examples of more overt racism. For  
5 example, me and some students from Fuerza Latina last year  
6 went out to celebrate Mexican independence day. And someone,  
7 who we believed to be another student at Harvard, called us a  
8 bunch of wetbacks and essentially told us to stop being out  
9 and being happy that night. So I think that for us, that was  
10 a pretty clear example of a student committing a racist act.

11 **Q.** And what was your reaction to being called that racial  
12 slur?

13 **A.** I think that we were able to kind of laugh it off and  
14 keep going on with our night because we were a large group of  
15 students. I think at that moment we didn't necessarily feel  
16 threatened by that student, but I think we also talked about  
17 how if it had just been one of us or he had been a part of a  
18 larger group, it could have felt a lot more like a threat.

19 **Q.** I'd like to turn to Fuerza Latina. Can you remind us  
20 what Fuerza Latina is?

21 **A.** Fuerza Latina is a pan-Latinx group on campus, so we are  
22 a space for all students on campus who either identify as  
23 Latinx or Latin American in some way or who just feel a  
24 connection to the culture.

25 **Q.** When was Fuerza Latina founded?

1     **A.** 1993.

2     **Q.** You mentioned that the organization is pan-Latinx. Are  
3 there also clubs at Harvard for specific Latinx ethnicities?

4     **A.** There are. So we have a few clubs that currently exist  
5 right now which includes RAZA, which is the Mexican-American  
6 club on campus, as well as a Cuban students association and  
7 Columbian students association. And we've had a few more in  
8 the past that have also existed.

9     **Q.** Have those clubs for specific ethnicities been around as  
10 consistently as Fuerza Latina?

11     **A.** I think it certainly depends on the club. RAZA existed  
12 before Fuerza Latina. It was originally the only Latin  
13 organization on campus. I think that other clubs kind of --  
14 attendance and membership depends a lot on admissions that  
15 year, especially because many Latinx students on campus kind  
16 of exist as a minority within our minority. It can often be  
17 very dependent on whether any students from that ethnic  
18 origin were admitted that year.

19     **Q.** What happens to those clubs if very few students of that  
20 ethnic group are admitted in a certain year?

21     **A.** We've certainly had clubs in the past that didn't  
22 continue to exist or exist at a much smaller rate than they  
23 do -- or exist as much smaller now than they used to in the  
24 past because I think simply there aren't as many students who  
25 are interested in them anymore.

1 Q. What is your role in Fuerza Latina?

2     **A.** I am the vice president currently.

3     **Q.** How many hours do you spend on Fuerza Latina activities  
4     per week?

5     **A.**   Usually about 12 to 15.  It kind of depends on what  
6       events we're doing that week.  So if we're having a larger  
7       event outside of our general meeting space, I might spend  
8       more time on it.

9 Q. What the mission of Fuerza Latina?

10 **A.** So we identify as kind of a social space, one, for  
11 students who identify as Latinx on campus. But we also try  
12 to be a space to help advocate for those students and their  
13 families' rights, both on campus and in a larger community.

14 Q. I'm showing you on your screen what has been marked as  
15 Amici Organization's Exhibit 28. Counsel has been provided a  
16 copy.

17 Do you recognize this exhibit?

18 | **A.** I do. So this is our mission statement from the website.

19 Q. Is this a screen shot from the Fuerza Latina website?

20 | **A.** Yes.

21 Q. I know it's a little blurry. There is also a hard copy  
22 in the folder on the witness stand.

23 MS. HOLMES: I would like to offer Amici Exhibit 28  
24 into evidence.

25 MS. HACKER: No objection, Your Honor.

1 MS. ELLSWORTH: No objection.

2 THE COURT: Admitted.

3 (Amici Exhibit No. 28 admitted.)

4 BY MS. HOLMES:

5 **Q.** Turning to Exhibit 28, Fuerza's mission statement says  
6 that the organization strives "to promote awareness of issues  
7 that affect the Latino community both at Harvard and in the  
8 Greater Boston area."

9 How does Fuerza do that?

10 **A.** I think that we try to do that by using our meeting space  
11 as a place to talk critically about issues that may be  
12 affecting the community at any given time and making a space  
13 for students where they feel like they can talk about those  
14 issues in a serious way without being judged for that.

15 **Q.** And in that space where students can talk about those  
16 issues, is that a space for students from different  
17 backgrounds or just Latinx backgrounds?

18 **A.** I think it probably will depend conversation to  
19 conversation. So we do have some talks that are kind of  
20 focused more within our general meeting space, and therefore  
21 usually the attendees of those events are Latinx students who  
22 like having a space where they feel like they can talk about  
23 things without being judged.

24 But we also have a lot of events that we put out to  
25 the larger kind of Harvard community, and therefore I think

1 those are more tailored to letting other people know about  
2 these issues.

3 **Q.** "Pub out," does that mean publish to the broader  
4 community?

5 **A.** Yes. Sorry.

6 **Q.** I know there's a lot of Harvard slang.

7 **A.** Yes. I'm sorry.

8 **Q.** Turning back to the exhibit, Fuerza's mission statement  
9 says that the organization "wishes to provide a nurturing and  
10 caring environment for all Latinos."

11 How does Fuerza do that?

12 **A.** I think we do at that by creating a space where people  
13 feel like they can be comfortable in their identity and  
14 making it feel like they can have friendships with people in  
15 the community where they can talk seriously about any issues  
16 that they might be going through.

17 So I think using our general meeting space and kind  
18 of the relationships we make outside of that space as a place  
19 to make students feel welcome both in our community and on  
20 campus.

21 **Q.** Does Fuerza also help connect its members to services or  
22 resources at Harvard?

23 **A.** We do. I think most of that is probably done informally.  
24 But certainly we also have a lot of members that come to the  
25 meeting space to talk about an issue they might be having on

1 campus. So for example, we have students come asking about  
2 if anyone recommends a good mental health clinician at the  
3 campus mental health services or if anyone recommends a good  
4 tutor that they might be looking for. So I think we try to  
5 connect students with other students who might be able to  
6 help them with those resources.

7 **Q.** Why is Fuerza Latina concerned about the mental health of  
8 its members?

9 **A.** I think that we recognize that a lot of mental health  
10 issues especially for students of color often come from their  
11 identity and from issues that they might be dealing with  
12 because of their identity or their family backgrounds.

13 Therefore I think it's really important for us to have those  
14 conversations and make sure students feel safe and secure in  
15 talking about mental health in a way that they maybe weren't  
16 able to back home.

17 **Q.** Has Fuerza lobbied the Harvard administration on issues  
18 of mental health?

19 **A.** We were part of larger conversations that happened in the  
20 past, and I think are still ongoing, with Harvard to talk  
21 about the need for more clinicians of color and clinicians  
22 who had cultural competency training to be able to talk  
23 critically with students of color.

24 **Q.** What was the outcome of those lobbying efforts?

25 **A.** I think certainly more clinicians of color were hired

1 because of those efforts. Obviously we're not a perfect  
2 system and we're still having those conversations, but I  
3 think that in many ways good did come out of those  
4 conversations.

5 **Q.** Does Fuerza collaborate with other cultural organizations  
6 on campus?

7 **A.** We do. So I think it obviously depends event to event,  
8 but especially when we're talking about maybe aspects of  
9 identity that might be relevant to other students on campus,  
10 we often partner with different cultural orgs.

11 **Q.** Can you give an example of one of those events?

12 **A.** So every year we have the celebration of Afro-Latinidad,  
13 which is mean to be kind of an event celebrating people who  
14 identify as Afro-Latinx, and we often collaborate on that  
15 event with the Black Students Association and the Harvard  
16 Caribbean Club.

17 **Q.** And what's the purpose of hosting celebration of  
18 Afro-Latinidad?

19 **A.** I think that we try to use it as a space for students to  
20 feel validated in that identity and as a space for students  
21 to discuss that identity both with people in the Latinx  
22 community who maybe don't identify that way and don't know a  
23 lot about it, but also people who maybe identify as other  
24 things and have simply never heard of that experience.

25 **Q.** So is there an educational component?

1     **A.** There is. It is usually kind of a dual part of a  
2 meeting. So we usually use the first half as kind of a  
3 discussion space and people to talk about their experiences,  
4 and we use the second half for more fun and kind of cultural  
5 activities.

6     **Q.** Does Fuerza collaborate with Asian American student  
7 organizations?

8     **A.** We have. So in the past we've done a few social spaces  
9 that we've collaborated with with the Asian American students  
10 association or the Asian American Association and the Chinese  
11 students association. So in the past we've had parties  
12 together. We've also worked together a lot on this case and  
13 the talks that have happened in terms of affirmative action  
14 around this case. So we often collaborate with BSA and AAA  
15 for those discussions.

16     **Q.** Is AAA the Asian American Association?

17     **A.** Yes.

18     **Q.** At those events where you collaborate with any other  
19 student organization, what is the racial makeup of the  
20 students who attend?

21     **A.** I think that for our larger events they're more open to  
22 the public in that way. They often are attended by a much  
23 more diverse population of the student body. So in that way,  
24 I think that our events are often seen as very welcoming  
25 spaces for other students as well.



1     **Q.** Looking back at Exhibit AO 28, Fuerza's mission statement  
2     says it "strives to enhance the presence of Latinos at  
3     Harvard University."

4             How does Fuerza do that?

5     **A.** I think that for us it's very important that we use our  
6     organization as a way to really encourage Harvard and other  
7     groups on campus to include Latinx voices in the  
8     conversations that they often have about race or identity or  
9     anything that we see as pertinent to our community. So I  
10    think in that way we really advocate for ourselves and  
11    encourage people to include us in our conversations.

12    **Q.** How has Harvard responded to this advocacy?

13    **A.** I think that obviously it's kind of a complicated  
14    relationship, especially when you're lobbying Harvard to do  
15    something for itself. Often that can be something that isn't  
16    always received positively.

17             But I think Harvard has done a lot of work to  
18    really work with us and try to hear our concerns. For  
19    example, Harvard administration put on a retreat for Latinx  
20    leaders last year where we kind of sat down with  
21    administration and talked about a lot of our concerns.

22    **Q.** Is Fuerza involved in recruiting students to Harvard?

23    **A.** So we aren't officially in charge of recruiting students  
24    per se, but we do work with the offices that do to make sure  
25    that there are students who can host Latinx prospective

1 students. And we often put on events during visiting  
2 students weekend as a place for students to get involved in  
3 the Latinx community.

4 **Q.** At those events, have you ever personally met a  
5 prospective student who has then gone on to attend Harvard?

6 **A.** I have. So two of my hostees currently attend Harvard,  
7 so students that I hosted in the past. I've also spoken with  
8 a lot of students at those events that later went on to go to  
9 Harvard.

10 **Q.** As vice president of Fuerza Latina, did you participate  
11 in discussions about whether Fuerza should join this lawsuit?

12 **A.** I did.

13 **Q.** Why did Fuerza decide to join this lawsuit?

14 **A.** I think that for us, anytime you're talking about  
15 diversity on campus, we try to include ourselves, whether  
16 that be for our own benefit or the benefit of other  
17 communities of color on campus.

18 I think that for us personally, the idea that there  
19 could be a much smaller pool of Latinx students at campus --  
20 on campus is concerning was just for us as an organization to  
21 be able to continue to exist. But also just for the  
22 well-being of our constituents, I think especially like I  
23 talked about earlier, many of our students kind of are a  
24 minority in that they come from backgrounds that are even  
25 lesser represented at Harvard. So often when it comes to

1 diversity, that could mean even more students feeling that  
2 much more alone on campus.

3 **Q.** And do you support the continued use of race as a factor  
4 in Harvard's admissions process?

5 **A.** I do. I think that it opens up the admissions process to  
6 students who maybe don't have access to resources that other  
7 students might be having access to.

8 MS. HOLMES: Thank you very much. No further  
9 questions, and I'll pass the witness.

10 MS. HACKER: No questions from SFFA. Ms. Nunez,  
11 thank you for coming out today.

12 MS. ELLSWORTH: No questions from Harvard. Thank  
13 you, Ms. Nunez. We appreciate your testimony.

14 THE COURT: You're excused.

15 MS. TORRES: Student Amici would like to call Thang  
16 Diep.

17 THE CLERK: Can you please raise your right hand.

18 (THANG DIEP duly sworn by the Deputy Clerk.)

19 THE CLERK: Thank you. You may be seated.

20 Can you please state your name and spell your last  
21 name for the record.

22 THE WITNESS: Thang, T-H-A-N-G, Diep, D-I-E-P.

23 EXAMINATION

24 BY MS. TORRES:

25 **Q.** Good afternoon, Thang. And you do prefer to be called

1 Thang; is that correct?

2 **A.** Yes.

3 **Q.** Okay. Thang, are you currently a student at Harvard?

4 **A.** I'm currently a senior.

5 **Q.** What are you currently studying?

6 **A.** Neurobiology.

7 **Q.** Do you identify with a particular race or ethnicity?

8 **A.** Vietnamese.

9 **Q.** And can you share about your family's history?

10 **A.** Yeah. I immigrated to the U.S. when I was eight, I moved  
11 with my family so we can have like a better opportunity. And  
12 I moved to San Fernando Valley, which is a region of  
13 Los Angeles.

14 **Q.** Can you share about the demographic makeup of the  
15 community where you grew up?

16 **A.** Yeah. It was predominantly black and Latinx.

17 **Q.** What about the socioeconomic demographics?

18 **A.** Low income.

19 **Q.** And how did your ethnicity impact your experiences  
20 growing up?

21 **A.** Yeah. When I first moved here, I didn't really speak  
22 English that well. And so I had an accent. And I think of  
23 kids like my friends who make fun of my accent and call me  
24 names like Chink and Chineto, which didn't really make sense  
25 to me because I'm Vietnamese and those terms refer to Chinese

1 people. People also made fun of my name. And I think like  
2 to those experiences I really ended up distancing myself away  
3 from --

4 **Q.** Would it help to take one moment and just take a sip of  
5 water?

6 **A.** I'm good. Yeah.

7 And I think after those experiences it really, you  
8 know, pushed me to distance myself away from my Vietnamese  
9 identity. And I didn't really partake in any, like, cultural  
10 activities. And I stopped -- like my parents at home would  
11 tell me, oh, you should like learn Vietnamese. And I didn't  
12 really listen to them.

13 I was frustrated because I really wanted to get rid  
14 of my accent. And I didn't talk with any other Vietnamese  
15 students in my high school because I was, like, those  
16 students didn't speak English at school. And I was like why  
17 can't they just speak English as well just like me in high  
18 school.

19 And so I think those things, like my experiences  
20 growing up really forced me to like as a kid like view the  
21 things that were so core to me as foreign and as something I  
22 need to erase in order for me to fit in, in order for me to  
23 do certain things that would allow me to be successful.

24 **Q.** Did your relationship with your Vietnamese identity  
25 change over time?

1     **A.** Yeah. It changed dramatically in high school because I  
2     enrolled myself in the humanities magnet program which I  
3     think my -- one of my motivations was to really improve my  
4     English, since the program was very intensive in like  
5     reading, writing, and speaking. And so I wanted to work on  
6     areas that I needed to work on.

7             And the other thing is the program focused a lot on  
8     addressing -- or like looking at the academics through a  
9     social justice lens. And so in going through the program, I  
10    learned a lot about like the languages and the concepts that  
11    explained why I was feeling the way I felt as a kid and why  
12    I, you know, like hated that part of myself.

13            And by high school, grappling with my identity at  
14    the end of junior year and beginning of senior year, I really  
15    felt this connection to my Vietnamese identity and the  
16    connection to my culture. It became such a huge part of who  
17    I was. And that journey itself of understanding my identity  
18    was really like crucial to who I am today.

19    **Q.** And was it crucial to when you applied to college?

20    **A.** Yeah. Definitely. When I applied to college, I felt  
21    like in order for me to express myself authentically and  
22    really like show me as a full person, I needed -- I wrote  
23    about my Vietnamese identity on my application because I  
24    think it was such a big part of myself.

25            And I was also just feeling really tired of erasing

1 my identity for so long and feeling like my identity has been  
2 erased. And so I took like the power back and wrote about  
3 that on my college essay.

4 **Q.** And we are going to jump into that application.

5 Before we do that, do you identify with a  
6 particular socioeconomic background?

7 **A.** Low income.

8 **Q.** And you mentioned that your neighborhood was  
9 predominantly black and Latinx students. Do you think that  
10 children of different races who are low income are treated  
11 the same?

12 **A.** No, they're not treated the same.

13 **Q.** How did you see them being treated differently?

14 **A.** Growing up there was a lot of assumptions around my black  
15 and Latinx friends being dangerous. The same assumptions  
16 were not made about me.

17 **Q.** Can you provide an example about that?

18 **A.** Yeah. In middle school when there was a stabbing on  
19 campus, teachers and students immediately assumed it was  
20 either a black or Latinx student. And no one assumed or  
21 thought it could have been someone who looked like me.

22 **Q.** How do you think that impacted your education?

23 **A.** I think in the classroom when you look at teachers and  
24 they don't see you as, like, dangerous, you just feel  
25 automatically more comfortable. I felt automatically more

1 comfortable in school and the classroom, and so that really  
2 pushed me to -- I think that created an environment where I  
3 was able to excel academically.

4 **Q.** Were there other ways that you saw that your schooling  
5 was racialized?

6 **A.** Yeah. The same friends who went to my -- black and  
7 Latinx friends who went to my middle school were not tapped  
8 for the same humanities magnet program that I ended up  
9 enrolling in, even though they were just as smart and  
10 talented.

11 **Q.** And do you think that you also had to overcome racial  
12 prejudice as a Vietnamese immigrant?

13 **A.** Yes.

14 **Q.** And how would you compare that experience to what you saw  
15 your peers who were black and Latinx?

16 **A.** I think feeling like I'm foreign and having people look  
17 at me as like a foreigner, I think it's very different from  
18 my black and Latinx friends being perceived as dangerous.

19 **Q.** I'm going to turn to your application.

20 MS. TORRES: Your Honor, may I approach the  
21 witness?

22 THE COURT: Sure.

23 BY MS. TORRES:

24 **Q.** You're one step ahead of me, Thang. You have before you  
25 what's been marked as SA-2, and you can go ahead and look



1 through the document. Let me know if you recognize it.

2 **A.** It's my admissions file.

3 **Q.** When was the first time that you saw it?

4 **A.** August 2018.

5 **Q.** Can I have you turn to page 10 at the bottom?

6 **A.** Yes.

7 **Q.** What is this?

8 **A.** It's my personal statement.

9 **Q.** And can you look at the last sentence of the third  
10 paragraph on page 10. It starts with "I was no longer."

11 **A.** Yes.

12 **Q.** And can you read that sentence out loud for us.

13 **A.** "I was also no longer ashamed of my Vietnamese identity  
14 as the program allowed me to embrace it."

15 **Q.** And is that the magnet program you were describing  
16 previously?

17 **A.** Yes.

18 **Q.** Why did you choose to share about your changed attitude  
19 towards your Vietnamese identity?

20 **A.** I think in order for -- in order to portray myself, in  
21 order to portray my growth authentically and really show, you  
22 know, like the admission officer who I really am, I think  
23 it's crucial for me to like share this journey of not just  
24 learning English, but this journey of rejecting and erasing  
25 my own identity first. And then how I came from despite like

1 racial prejudice and despite the messages that I was  
2 receiving that I -- it had become such a huge part of who I  
3 was when applying and still who I am now. And I think it's  
4 so -- like if I didn't write about this experience, I don't  
5 know what I would have written about.

6 **Q.** Okay. Did your Vietnamese identity come up anywhere else  
7 in your application?

8 **A.** Yeah. During my interview my name, my birthplace, my  
9 parents' birth places. Also during when I described a media  
10 conference that did I in high school where I had to make a  
11 video about discrimination and where I had to draw a lot from  
12 my own personal experiences with discrimination into the  
13 video. And yeah.

14 **Q.** Thanks. We're now going to turn to page 29. You'll see  
15 it's labeled "Personal Interview Report." Under "Academic,"  
16 you'll see the sentence "Thang has perfect grades."

17 Can you read that sentence out loud for us?

18 **A.** Yeah. "Thang has perfect grades in a wide range of  
19 classes, but his SAT score is on the lower end of the Harvard  
20 average."

21 **Q.** Were you surprised by that comment?

22 **A.** No, I was not.

23 **Q.** Why?

24 **A.** Because when I applied, I knew I had a below-average SAT  
25 scores, but based on what I researched online. And that was

1 actually one the reasons why I ended up applying to Harvard  
2 like three days before the deadline.

3 **Q.** What changed your mind?

4 **A.** My mom literally just said you should just give it a  
5 shot. Who knows what will happen? That's what I did.

6 **Q.** What were the other aspects of your application that you  
7 thought might make you stand out?

8 **A.** My GPA. I was valedictorian at my high school and also I  
9 think my commitment to public service and my -- my passion  
10 for like social justice. And I think I think those are like  
11 great achievements, but I don't think they can be necessarily  
12 understood without taking into account the fact that I moved  
13 here when I was eight, I didn't speak English that well, me  
14 overcoming my -- you know, like accepting my identity and  
15 understanding my identity was so crucial in me and like  
16 motivating me to pursue or like involve myself in like public  
17 service and giving back to the community.

18 **Q.** And there were lots of comments throughout your  
19 application file. Which comments resonated with you the  
20 most?

21 **A.** The comment that I had shown a strong sense of self, and  
22 it also said -- mentioned my Vietnamese immigrant identity.

23 **Q.** And briefly why did that matter to you?

24 **A.** I think because I felt that part of myself, again just  
25 being invisible, I think it was really nice to feel like that

1 part was valued and noticed by someone.

2 **Q.** I'm going to turn now to your time at Harvard.

3 How would you describe the level of Asian American  
4 representation on Harvard's campus?

5 **A.** I think as a group, Asian Americans have a fairly like  
6 strong representations as compared to black and Latinx  
7 groups.

8 **Q.** How would you describe the level of diversity within the  
9 Asian American community?

10 **A.** There are more East Asian students who are Chinese and  
11 Korean than Southeast Asian students like Vietnamese,  
12 Cambodian, Laotian.

13 **Q.** How has the lower representation of Southeast Asian  
14 students made you feel?

15 **A.** I think it just really sucked if you're in spaces on  
16 campus where it is like an Asian space, but I don't think  
17 I -- you know when you don't see yourself represented, I  
18 think it's just like a sucky feeling to have. And I think  
19 like right after me being like, yeah, my Vietnamese identity  
20 means so much to me and then going to spaces where I don't  
21 see that represented, I think it sucks.

22 **Q.** Can you use one other word besides "sucks" just in case  
23 this goes up on appeal?

24 **A.** Yeah. I felt marginalized and I felt -- I think I  
25 felt -- I felt erased again. And I think it's -- yeah, I

1 think "marginalized" and "erased" are two words I would use.

2 **Q.** They're all great, great words.

3 THE COURT: Some heard in here less frequently than  
4 others.

5 BY MS. TORRES:

6 **Q.** Can you provide an example of where you felt erased or  
7 marginalized?

8 **A.** Yeah. I think -- I don't think it was their intention,  
9 but for example, there's an organization called Asian  
10 American Dance Troupe where every semester they host like a  
11 dance night, cultural dance night. I think it's just  
12 really -- not sucky, but also I think when -- in the dance  
13 routines, there are not as many -- there are very few Asian  
14 routines, if not like at all.

15 And so I think like when I go to these spaces to  
16 support my friends who are in them, I think it really -- I  
17 again feel erased when I just don't see myself reflected in  
18 the greater Asian community on campus.

19 **Q.** Are there any other instances where you felt erased or  
20 that your voice wasn't heard?

21 **A.** Yeah. During my sophomore year when the affirmative  
22 action issues became more -- like people started talking  
23 about it on campus, I remember an e-mail from -- again, I  
24 don't think it was the intention, but an e-mail coming from  
25 the Asian American Association, which is a pan-Asian group on

1 campus, saying that because the community is so split on the  
2 topic that we're not -- as a group, we're not going to  
3 discuss it.

4 And so I think I remembered this very vividly.  
5 Because there are a lot of East Asian students on campus, the  
6 people on board of a lot of these pan-Asian organizations end  
7 up being East Asian students.

8 And so I, you know, feeling -- and seeing who has  
9 power and who has representation, I think I -- at that moment  
10 I didn't really see that being like reflected in like the  
11 Vietnamese students.

12 And so I think a lot of Vietnamese students feel  
13 differently. I think it has always just been very nice to  
14 have been engaged during this conversation so that at least a  
15 part of the Vietnamese perspective or Southeast Asian  
16 perspective is represented in like conversations on campus.

17 **Q.** Are there spaces where you have felt that there is a  
18 greater voice for Southeast Asian students?

19 **A.** Yeah. I just think in spaces where there's a higher  
20 representation of Southeast Asian students.

21 For example, in the Phillips Brooks House  
22 Association, which is a nonprofit, but like a public service  
23 group, we work with a lot of students in a lot of communities  
24 in Boston. One of them is the Vietnamese community.

25 So when there are higher representation of

1 Southeast Asian students in PBHA, I don't feel the burden of  
2 having to translate or communicate with parents who don't  
3 speak English all the time. I don't feel that burden of  
4 having to navigate like identity and cultures all the time  
5 because it's tiring.

6 Another example would be like in my Asian American  
7 literature class where we talk about different Asian  
8 identities. I don't have to be the only one people turn to  
9 or expect -- or turn to when we talk about the Vietnamese  
10 experience or like the refugee experience because I had like  
11 other classmates who can share different perspectives.

12 I can't represent every single Vietnamese person in  
13 this world and in this country. So I can only represent what  
14 I know and a piece of that, and there's only so much I can  
15 say.

16 And when there are other students who look like me  
17 and who have similar experiences, I don't have to be the only  
18 one talking, even like, you know, because many of my  
19 experiences are like traumatic and like, I don't have to  
20 always be so emotionally drained in class to discuss these  
21 topics with my classmates.

22 Can I add one more thing?

23 **Q.** Yes.

24 **A.** Also this happened this year when I was in my Asian  
25 American graphic novel class. One of my professors was

1 Vietnamese and she pronounced my name correctly. And that  
2 was the first time in 13 years throughout my whole education  
3 that a teacher and a professor at Harvard pronounced my name  
4 correctly.

5 So I think that's just like I think to show how  
6 validating it is to have people who can understand your  
7 experiences, even if it comes down to understanding like  
8 pronouncing your name correctly.

9 And yes, I said you can say Thang because I think  
10 that's a form of survival because I'm not going to spend  
11 every day telling people the correct way to pronounce it.

12 I think it's very validating.

13 **Q.** Than you. Has AAA gotten involved in this lawsuit since  
14 it's been filed?

15 **A.** Yeah. I think because the conversations on campus have  
16 been like -- there's just more conversations. AAA signed  
17 onto the LDF brief. And I think the climate on campus has  
18 changed because conversations and -- there's definitely been  
19 more effort to engage students of different background and  
20 different experiences in the case. And I think my  
21 involvement in this case as a Vietnamese immigrant shows  
22 that.

23 **Q.** Thank you. So we're going to move on from the Asian  
24 American community.

25 Have you had interactions with classmates of color



1 from different racial backgrounds while at Harvard?

2 **A.** Yes.

3 **Q.** And how have those interactions impacted your education?

4 **A.** I think they were very beneficial in the sense that we  
5 all have different life experiences. So when I interact with  
6 students who are black and Latinx, I gain new perspectives.  
7 New perspectives on how to look at different issues.

8 **Q.** Can you provide an example of that?

9 **A.** In my public health class, one of the students raised a  
10 point that a lot of scientific research about health revolves  
11 around the white population.

12 What that means is the health needs of different  
13 communications of color or other communities are not being  
14 addressed -- are not addressed -- yeah, are not being  
15 addressed because there is no research about that population.

16 And I think that was like a point that I have not  
17 really thought fully about before. And I think in really  
18 reflecting on the comment that my classmate said, I was able  
19 to think about my own experiences in the scientific community  
20 and how when we look at ethical practices and how to design  
21 scientific studies, how can we be more inclusive and  
22 encompassing of all communities so that all communities'  
23 health needs are being addressed.

24 **Q.** How has that perspective impacted your conversations  
25 about public health issues up to this point?

1     **A.** Yeah. When I talk to my friends about it, I think the  
2 perspective allowed me to challenge a -- so for example, in  
3 one of the labs I'm in, there is research being done on  
4 immigrant populations in Boston. But the lab has no research  
5 participants who are Vietnamese immigrants.

6             And so it allowed me to reflect on my own identity  
7 and experiences and also, you know, like that perspective  
8 pushed me to challenge why is it that the research doesn't  
9 include Vietnamese immigrants and really grapple with that  
10 with my friends.

11     **Q.** And can you remind us of the racial background of the  
12 classmate who made that comment?

13     **A.** A black classmate.

14     **Q.** There's an issue in this case about the reduction of  
15 students of color on campus.

16             Can I ask you specifically how would a 30 percent  
17 reduction in the number of black students, African American  
18 students on campus impact your education?

19     **A.** I think it would hurt my education dramatically, not just  
20 education in the classroom but also outside the classroom.

21     **Q.** Why?

22     **A.** Being Vietnamese and already underrepresented on campus,  
23 I think I've learned a lot about how to build coalition, how  
24 to collaborate with other communities of color, and how to be  
25 aware of class differences because of efforts made by my

1 black friends and black students from organizations.

2 And like, for instance, when there was an arrest  
3 of -- an unfair arrest of a black college student on campus,  
4 I think all the like black student organizations worked  
5 together to push and advocate and create -- created for  
6 space -- created spaces where students can come and grapple  
7 with what happened and really understand, like, yeah,  
8 understand what happened.

9 And I think they were very open to like members  
10 outside the communities. And I think in doing so, it  
11 improved the campus climate because I was able to learn more  
12 about issues and like understand a bit better about issues  
13 affecting a different community.

14 But I also think that that allowed me to understand  
15 how my own -- the issues affecting my own communities are  
16 like inherently tied to issues affecting other communities of  
17 color. And then how can we work together to advocate and to  
18 build power together so that you can really create systematic  
19 change.

20 **Q.** Thang, when do you graduate?

21 **A.** May 2019.

22 **Q.** And have you thought about what you want to pursue after  
23 college?

24 **A.** I hope to become a pediatrician working in an immigrant  
25 community and communities of color.

1     **Q.** How has Harvard's racial diversity prepared you for this  
2 work?

3     **A.** Yeah. I think in my interactions with my friends who are  
4 black and Latinx and who are just different from me, I really  
5 learned how to work across differences and how to build  
6 meaningful connections and collaborations so that every  
7 single stakeholders are being accounted for and how you can  
8 like make the collaboration meaningful and that you're not  
9 working for someone but you're working with someone.

10             And I think the other thing is my interactions  
11 really gave me a tool set to think about cultural sensitivity  
12 and cultural competency.

13             And so when I become a doctor, I'll be working with  
14 young people who all have very different living experiences.  
15 Like someone who experienced trauma from fleeing a war or  
16 leaving the country or being separated from their family is  
17 very different from someone who was born in the U.S.

18             And I think how can you look at young people in a  
19 way that is very holistic and take into account like full  
20 consideration of their backgrounds so that you can provide a  
21 really good, like an informed healthcare so that they can  
22 have a normal development trajectory and so that they can  
23 grow up and have the same opportunities and like have like  
24 the health to fulfill whatever they need to fulfill.

25             So I think like my interactions with my friends who

1 are just different from me just opened my eyes to things like  
2 just seeing people as people and not just as a single  
3 identity or aspect of them.

4 **Q.** I think we can all say you're going to be a great doctor.

5 Last question is, why did you choose to participate  
6 in this case about Harvard's race-conscious admissions  
7 policy?

8 **A.** I have multiple reasons. My first one is I think, like  
9 I've mentioned in conversations around Asian American  
10 identity, oftentimes the Vietnamese perspective and voices  
11 are not considered. And I think it's important for us to  
12 really take into account that even if I can only represent a  
13 partial, like a piece of the puzzle or like a piece of that  
14 voice, and I think that is important.

15 And secondly, I think based on my own experiences  
16 with racial prejudice and discrimination and growing up with  
17 and having friends who are growing up and also having friends  
18 who are Latinx and black, I think I -- you know, I have a  
19 shared understanding of oppression and I think we have a  
20 shared understanding of structural systems in place that  
21 often limits opportunities, educational opportunities, job  
22 opportunities.

23 I think it matters for me so much that I like stand  
24 in solidarity with other communities of color. Because even  
25 though the way our racial prejudice and discrimination

1 manifests differently, I think we're all under the same  
2 system that continues to like erase and limit our voices.

3 And lastly, I just personally really believe that I  
4 benefited from affirmative action. Like in allowing the  
5 admission process to take into account race and ethnicity, it  
6 allows my immigration history to be taken into account. It  
7 allows my own experiences of overcoming the -- my racial  
8 identify when I was younger and understanding that to really  
9 be portrayed. And I think that matters in not only the  
10 college admissions process but also in this case.

11 MS. TORRES: Thank you. No further questions. I  
12 pass the witness.

13 MS. PERRY: Your Honor, I have hard copies of a few  
14 things, if I may approach?

15 THE COURT: Yes, of course.

16 EXAMINATION

17 BY MS. PERRY:

18 **Q.** Hi. I'm Krista Perry. We've never met, but I've spoken  
19 with your lawyers this weekend about the topics I thought we  
20 would cover today. Thank you very much for being here to  
21 share your perspective.

22 You mentioned that you attended the Cleveland  
23 Humanities Magnet High School in Los Angeles?

24 **A.** Yes.

25 **Q.** That's a pretty rigorous program, right?

1       **A.**   Yes.

2       **Q.**   About how many students were in your graduating class?

3       **A.**   The magnet program was a program within a larger high  
4       school.  So the total high school has 700 students.  I'm not  
5       sure how many students were in my class for the magnet  
6       program.

7       **Q.**   Close enough.  But you came in number one in your  
8       graduating class overall, correct?

9       **A.**   Yes.

10      **Q.**   You managed that while spending some pretty serious time  
11      and energy on extracurriculars like key club, ASB, a  
12      filmmaking summit, and volunteering at a hospital --

13      **A.**   Yes.

14      **Q.**   -- to name just a stew few.  That's pretty impressive.

15               I'd like to talk to you briefly about diversity on  
16      Harvard's college campus, if that's all right.

17      **A.**   Okay.

18      **Q.**   You mentioned in your direct that you identified with a  
19      low-income background.

20               In your experience, there are more wealthy students  
21      on Harvard's campus than there are students from a low-income  
22      background, correct?

23      **A.**   I think that's hard to say because I tend to hang out  
24      with students who have similar socioeconomic backgrounds.  So  
25      I can't say for sure.

1     **Q.** Would you agree that Harvard could and should do more to  
2     increase socioeconomic diversity on campus?

3     **A.** I think if there were a lack of diversity in terms of  
4     socioeconomic status, they should try to address that. But I  
5     think it shouldn't just be about socioeconomic diversity, but  
6     it should be about diversity of all forms.

7     **Q.** Great. Would you agree that Harvard should give greater  
8     weight in admissions decisions to extraordinary students who  
9     achieve with fewer resources?

10    **A.** Can you reframe the question?

11    **Q.** Sure. Would you agree that it's important for Harvard to  
12    give greater weight in admissions decisions to students who  
13    can achieve a lot with fewer resources?

14    **A.** I think that depends on context. And I think we need to  
15    take into account the identity, like all identities of the  
16    students. So I can't -- I'm not sure how to answer your  
17    question.

18    **Q.** Okay. Great. I'd also like to talk with you about bias  
19    against Asian American students.

20                 The student amici submitted a brief during the  
21    summary judgment phase of this case. This is that brief,  
22    yes?

23    **A.** Yes.

24    **Q.** And if you go to page 9, the brief refers to "the reality  
25    of a society where certain ethnoracial minorities, Asian



1 Americans among them, encounter structural racism and  
2 implicit bias because of their identity."

3 Did I read that right?

4 **A.** Sorry. Did you say page 9?

5 **Q.** Page 9 --

6 **A.** Oh, oh. At the top.

7 **Q.** Yes. Page 1 of the main brief.

8 **A.** Okay.

9 **Q.** They described "the reality of a society where certain  
10 ethnoracial minorities, Asian Americans among them, encounter  
11 structural racism and implicit bias because of their  
12 identity."

13 **A.** Sorry. I'm just trying to identify that on this page.

14 **Q.** I have it up on the screen as well, but it's towards the  
15 bottom of the top paragraph, I believe.

16 **A.** Towards the bottom. Okay.

17 **Q.** All I'd like to know is if you would agree with the  
18 description that Asian Americans are among the groups that  
19 might encounter structural racism and implicit bias because  
20 of their identity?

21 **A.** So I think Asian American students are students of color,  
22 so yes. And I think we should also think about in the Asian  
23 American community the different ethnic groups who might just  
24 experience that differently as well.

25 **Q.** You filed a declaration to go along with this brief as

1 well; is that right?

2 **A.** Yes.

3 **Q.** So let's go there. In Paragraphs 3 and 4, you discussed  
4 some of your own personal experience with racial bias, as you  
5 mentioned earlier today as well.

6 Would you consider racial and ethnic bias to be a  
7 serious problem in this country?

8 **A.** Yes.

9 **Q.** And in your declaration, you wrote about Harvard as well.  
10 And what you wrote is that "there are still many problems  
11 with diversity at Harvard, which continues to be dominated by  
12 white students. Asian Americans are the second largest group  
13 at Harvard, but the university fails to take into account the  
14 diverse needs of this broad population."

15 Are those your words?

16 **A.** Yes.

17 **Q.** Okay. Now, this is an op ed that came out in the Harvard  
18 Crimson entitled "Students for Fair Admissions and Harvard  
19 Both Got It Wrong."

20 You're familiar with this article, right?

21 **A.** I read it back then, but I don't remember much of it.

22 **Q.** I'd like to just look at a few of the conclusions.

23 You're familiar with the authors of this, right?  
24 They're classmates of yours?

25 **A.** Yeah. They're my friends.

1     **Q.** I'd like to look at a few of the things they wrote and  
2     see if you agree with their conclusion, if that's okay.

3     **A.** All right.

4     **Q.** So in the article, the Harvard Crimson states that  
5     "however, our firm support of affirmative action does not  
6     negate our disappointment with the college's admissions  
7     office for failing to address potential systematic prejudices  
8     against Asian Americans."

9             And then it continues, "While admissions officers  
10    receive cultural sensitivity training for certain racial  
11    groups, instruction regarding racial bias is noticeably  
12    absent for Asian Americans. Therefore, we call on Harvard to  
13    provide stronger diversity training for admissions officers  
14    to identify and challenge such biases, whether they originate  
15    from the application materials or from the review process  
16    itself. An institution which seeks to support historically  
17    marginalized minorities should also dismantle negative biases  
18    towards Asian Americans."

19            Do you agree with this article that Harvard should  
20    provide stronger diversity training for admissions officers  
21    to identify and challenge racial bias?

22    **A.** I think it should not just be about racial biases but  
23    biases against all forms of identities or marginalized  
24    groups. And I also think that -- yeah, that's it.

25    **Q.** And do you agree that an institution which seeks to

1 support historically marginalized minorities should also  
2 dismantle negative biases towards Asian Americans?

3 **A.** Sorry. I kind of blanked out. Can you repeat the  
4 question?

5 **Q.** Sure. Do you agree that an institution which seeks so  
6 support historically marginalized minorities should also  
7 dismantle negative biases towards Asian Americans?

8 **A.** I think it should try to get rid of biases across all  
9 forms of identities and all racial groups.

10 MS. PERRY: Thank you very much for your testimony.

11 EXAMINATION

12 BY MS. ELLSWORTH:

13 **Q.** Hi, Thang.

14 **A.** Hi.

15 **Q.** I'm Felicia Ellsworth. I represent Harvard.

16 MS. ELLSWORTH: Mr. Lee, do you have the summary  
17 judgment brief that Ms. Perry was asking about? On page 1,  
18 could you pull it up, please?

19 BY MS. ELLSWORTH:

20 **Q.** Thang, do you remember Ms. Perry asking you about a  
21 sentence in that brief?

22 **A.** Yes.

23 **Q.** I'd like to read the full sentence to you.

24 "Plaintiff's lawsuit uses Asian Americans as a  
25 cover to force every institution of higher education in the

1 United States to ignore the reality of a society where  
2 certain ethnoracial minorities, Asian Americans among them,  
3 encounter structural racism and implicit bias because of  
4 their identity."

5 Do you see that there?

6 **A.** Yes.

7 **Q.** Do you agree with that sentence?

8 **A.** Yes.

9 MS. ELLSWORTH: Thank you very much. Thanks for  
10 your testimony today.

11 THE WITNESS: I'm done?

12 THE COURT: Hold on. We'll see. Hold on.

13 MS. TORRES: No further questions.

14 THE COURT: You are done.

15 (Applause.)

16 THE COURT: The Thang Fan Club.

17 MS. McCLELLAN: Your Honor, Amici Organizations  
18 call Ms. Madison Trice as our next witness.

19 THE CLERK: Can you please raise your right hand.

20 (MADISON TRICE duly sworn by the Deputy Clerk.)

21 THE CLERK: Can you please state your name and  
22 spell your last name for the record.

23 THE WITNESS: Yes. Madison Trice, T-R-I-C-E.

24 EXAMINATION

25 BY MS. McCLELLAN:

1       **Q.** Good afternoon, Ms. Trice.

2       **A.** Good afternoon.

3       **Q.** Where do you attend college?

4       **A.** I attend Harvard College.

5       **Q.** And what is your expected year of graduation?

6       **A.** 2021.

7       **Q.** How are you associated with this lawsuit?

8       **A.** I am a member of BSA, which is a member of the amici, and  
9 I am also a member and political action chair of the  
10 Association of Black Harvard Women, which is another member  
11 of the amici.

12               For the record, BSA stands for the Black Students  
13 Association.

14       **Q.** And how are those organizations associated with this  
15 lawsuit? Did they file an amicus brief?

16       **A.** Yes. Both did.

17       **Q.** How would you describe your racial and ethnic background?

18       **A.** I am African American.

19       **Q.** And where did you grow up, as in elementary school?

20       **A.** I grew up in rural Illinois and attended elementary  
21 school there.

22       **Q.** Do you feel that race was a barrier in your academic  
23 experience when you were in elementary school?

24       **A.** Yes. I recall one time my parents wondered what it would  
25 take to for me to get into the gifted class because I was

1 doing very well academically and I still wasn't being  
2 promoted. So they scheduled a conference with the teacher  
3 administrator, and the teacher said that I needed to have ten  
4 100s on tests to be able to enter the class.

5 So my parents pulled out my tests which they had  
6 been keeping records of and found that they had at least ten,  
7 if not more -- I think there were more -- 100s on the past  
8 tests.

9 And they said, oh, okay, you can join the class.  
10 And I believe from that point on I was the only black student  
11 in the gifted class there.

12 **Q.** Was there a policy that you had to have ten 100s?

13 **A.** Not that I know of.

14 **Q.** Where did you attend high school?

15 **A.** I attended high school -- I spent one year in Maryland,  
16 half of a year in D.C., and the rest of my high school years  
17 were spent in Houston, Texas.

18 **Q.** And when you were in Houston, Texas, where you spent most  
19 of your high school years, what type of high school did you  
20 attend?

21 **A.** I attended a private predominantly white, pretty wealthy  
22 high school.

23 **Q.** What would you say was the racial makeup of your high  
24 school?

25 **A.** It was about 70 percent white, 20 percent Asian American,

1 and maybe somewhere between 7 and 8 percent black, like  
2 1 percent Latinx and maybe 2 percent of mixed race.

3 **Q.** What was it like in your classes racially? What was the  
4 racial makeup of your classes?

5 **A.** The racial makeup of my classes was definitely  
6 predominantly white. I also found that it varied depending  
7 on the course. So for upper-level classes at that school  
8 also it was kind of -- I was more likely to be one of the  
9 only black students in the room.

10 **Q.** And what was it like to be one of the only black students  
11 in your classes?

12 **A.** It was difficult. It was pretty isolating at times.  
13 There were times where you felt like a representative for  
14 your entire race, where someone would say something offensive  
15 and you'd have to be able to discuss it in a very logical and  
16 calm manner. But there was nobody else to back up what you  
17 were saying, so you were kind of alone -- nobody else who had  
18 experienced it to back up what you were saying, so you were  
19 kind of alone in doing so.

20 **Q.** Did race have an impact on your social experience in high  
21 school?

22 **A.** Yes.

23 **Q.** How so? Can you give an example?

24 **A.** Yes. I remember that for my junior and senior year, to  
25 my knowledge, there were only two black girls asked to prom



1 out of like 14 of us. And most girls at the school were  
2 asked to prom, which made it a very different experience  
3 socially. It's still fun to go with your friends, but it's  
4 not exactly the same.

5 I think also I found it more difficult in  
6 comparison to my other schools to make friends who were not  
7 minorities. At my high school I do have a few friends who  
8 are not minorities from high school. But most of my friends  
9 were other minorities, which is something that I -- it wasn't  
10 as difficult to make friends who were from other backgrounds  
11 who were white at any of my other schools that I attended.

12 **Q.** I want to talk to you a little bit about your experience  
13 applying to Harvard.

14 When you applied to Harvard, what was your grade  
15 point average?

16 **A.** My grade point average was a little bit over 92 percent  
17 out of 100.

18 **Q.** When you applied to Harvard, what was your SAT score, if  
19 you remember?

20 **A.** A 2300 out of 2400.

21 **Q.** Did you submit an essay?

22 **A.** Yes.

23 **Q.** What did your essay discuss?

24 **A.** My essay discussed having been bullied for being  
25 different, whether that was in terms of my age or in terms of

1 my personality or in terms of being African American. And it  
2 discussed how because I was bullied it made it very difficult  
3 for me to learn self-love. And then eventually I was told in  
4 my D.C. school by a friend of mine that I didn't need to  
5 change myself, and it kind of sparked this journey towards  
6 self-love.

7 **Q.** Did your experience being bullied because of your race  
8 impact how you think about social justice?

9 **A.** Yes. Absolutely. I think that because of that I'm able  
10 to understand what it feels like to be hurt for something  
11 that you can't control, for looking different or being of a  
12 different background.

13 I think that it's helped me to gain an attachment  
14 to my culture and to ensuring that other people are able to  
15 be treated equally -- to be treated well for their identities  
16 as well. And I think that that experience also contributed  
17 to the empathy that I hope to turn into action in a lot of  
18 different ways because I don't want anybody else to  
19 experience what I went through.

20 **Q.** If you had been prohibited from identifying your race in  
21 your essay, would this have affected your ability to present  
22 your full self in your application?

23 **A.** Yes.

24 **Q.** How so?

25 **A.** I think that the way that I was bullied was kind of

1       inextricable from my race. I remember just thinking about --  
2       even when I talk about being different in terms of my age or  
3       my personality, it was always like being different and black,  
4       appearing a certain way and being black so people couldn't  
5       identify -- people couldn't understand what my racial makeup  
6       was because I was black.

7               It wasn't just that -- I mentioned in my essay  
8       being a light-skinned African American. It wasn't being  
9       light skinned; it was being light skinned and black and  
10      people viewing that as somehow racially inferior to other  
11      combinations of skin tone and race.

12             I think that also the pride that I have in my  
13      culture and my drive for social justice and my drive for  
14      encouraging others to love themselves is so deeply connected  
15      to my experiences, having been mistreated for my race, that  
16      it would be very difficult to articulate who I am without  
17      being able to discuss it.

18      **Q.** What is your social economic background, if you feel  
19      comfortable sharing?

20      **A.** Yes. I would say my family is upper middle class.

21      **Q.** Do you feel that if you had been able to talk about -- do  
22      you feel that speaking about your socioeconomic status in  
23      your essay, if you were not permitted to talk about your  
24      race, would have allowed you to convey your full self in your  
25      application?

1     **A.** Not at all.

2     **Q.** Why not?

3     **A.** Because I was discriminated against. Although I believe  
4     there are privileges that come with being upper middle class,  
5     I was discriminated against in spite of those. I was  
6     mistreated for my race in spite of those.

7                 So if I were able to say that I was upper middle  
8     class, it would be -- it wouldn't take into account the  
9     racism that I experienced. It wouldn't take into account the  
10    other oppressions that I faced or denials of opportunity that  
11    I faced. It wouldn't enable me to encompass the experiences  
12    that I wanted to have in college and the things that I wanted  
13    to do with being able to support black students or being able  
14    to support minority students in general.

15                And it mostly just wouldn't allow me to account for  
16    the ways that my identity has affected me.

17    **Q.** Why did you want to go to Harvard?

18    **A.** I was really excited by the academic opportunities in  
19    terms of extracurriculars. I could do basically anything  
20    that I wanted to, which was really exciting. And I was also  
21    excited about how diverse it was.

22    **Q.** Why was the diversity of Harvard important to you?

23    **A.** I wanted to have a very different experience than what I  
24    had in my high school in Houston. I wanted to be surrounded  
25    by people who had -- I wanted to have the chance to delve

1 more deeply into my cultural heritage and to get to celebrate  
2 that with people who shared it, but I also wanted the  
3 opportunity to get to know people from all different  
4 backgrounds and to be in a place that celebrated and embraced  
5 all those different backgrounds. I think that the critical  
6 mass that Harvard has of minority students was really  
7 important for me into taking that into account.

8 **Q.** Did you visit Harvard before deciding to go there?

9 **A.** Yes.

10 **Q.** Could you tell us a little bit about what that was like?

11 **A.** Yes. Something that comes to mind was Visitas, Harvard's  
12 visiting weekend for admitted students.

13 And I remember getting to come up and going to  
14 Jollies, which is the black men's foreign party, and getting  
15 to go to the big black community barbecue and seeing all of  
16 the different extracurricular groups and being welcomed by  
17 them and having black upperclassmen talk to me about their  
18 experiences and being excited to talk to me and sign me up  
19 for different things and just feeling like the campus was a  
20 place where I would be welcomed and where I would be able to  
21 feel at home.

22 I remember seeing a black upperclassman girl who  
23 started crying when she saw me and other black students  
24 walking into the activities fair because she was, like, it's  
25 just so beautiful seeing all of you.

1           And just feeling the love that was expressed in  
2           that statement and the warmth made me feel like I would be  
3           cared for within the Harvard community.

4           **Q.** Would you say that your visit at Visitas affected your  
5           decision to go to Harvard?

6           **A.** Absolutely.

7           **Q.** Did you visit other colleges?

8           **A.** Yes.

9           **Q.** And how did your visits at other colleges compare to your  
10          visit at Harvard?

11          **A.** Sometimes -- for instance, at Princeton I remember  
12          visiting and noticing that the way that different groups of  
13          students or different ethnic groups seemed to interact with  
14          each other was very different than at Harvard.

15                 Like at Princeton, I noticed that I saw a lot of  
16          white students hanging out together and a lot of the black  
17          students hanging out together but not a lot of intermingling.  
18          And I decided that that wasn't a place where I would like to  
19          be.

20                 I remember going to Georgetown and there was this  
21          really, really cool Native American cultural event happening,  
22          but it was super unattended. So it was like the students who  
23          were planning it and then the students who I was with on a  
24          tour, but I had seen other students going to things that I  
25          felt were less important and being really excited about

1 those.

2 And I wanted to be a campus that was excited about  
3 diversity, and so I decided that that also wasn't for me.

4 **Q.** When you say things that are less important, what does  
5 that mean?

6 **A.** Things like drinking in the middle of the day or getting  
7 picked up by a Rolls Royce to go to a party, also in the  
8 middle of the day.

9 **Q.** Are you familiar with the "I, Too, Am Harvard" campaign?

10 **A.** Yes.

11 **Q.** What is it?

12 **A.** It's a creative movement to state that black students  
13 have a place on Harvard's campus and that because of the  
14 depictions that you see a lot of the time of different Ivy  
15 League schools, and particularly Harvard in media, black  
16 students are not always taken into account of being a part of  
17 Harvard by outsiders, but they are.

18 **Q.** Did seeing the "I, Too, Am Harvard" campaign impact your  
19 decision to attend Harvard?

20 **A.** Yes.

21 **Q.** How so?

22 **A.** It was really cool seeing the unity that had been formed  
23 in response to microaggressions and the support that people  
24 had in creating a space for themselves but also being  
25 celebrated and taking that space.

1 I remember reading some of the signs that people  
2 would say and I would be like, oh, I've heard people would  
3 say similar things about my hair, about my background to me.

4 And being able to have a place on a campus in spite  
5 of that or being able to have a place on a campus that  
6 doesn't always involve that experience sounds really special.  
7 And it made me feel like I could carve out a space for myself  
8 on Harvard's campus as well.

9 **Q.** How does your experience with Harvard's racial diversity  
10 compare to your experience in high school?

11 **A.** It's so different.

12 **Q.** How so?

13 **A.** I have friends from all different backgrounds. I get to  
14 celebrate within -- it's different being involved in black  
15 community organizations. I was involved in a black community  
16 organization in high school, but there are so many of us that  
17 we're able to have a number of different organizations, so  
18 every niche of black identity is celebrated and has a space  
19 on campus. And if there isn't one, it can be created and  
20 other people will come, you can celebrate your culture that  
21 way.

22 Microaggressions happen a lot less frequently. So  
23 I'm able to really devote myself to academics,  
24 extracurriculars, and friendships without having to worry as  
25 much about the feeling of being represented or being



1     distracted by the types of discrimination that I faced in  
2     high school. And I feel like my identity is really embraced  
3     and supported.

4     **Q.** When you say microaggressions happen less are frequently,  
5     do you feel that that's related to the amount of diversity on  
6     campus?

7     **A.** Yes.

8     **Q.** Why?

9     **A.** I think that when you have -- I think that's true for a  
10    number of reasons. I think when you're interacting with a  
11    critical mass of minorities, it's harder to have stereotypes  
12    about them. It's also harder to express those without  
13    somebody saying, hey, that's not okay, as opposed to having  
14    one minority in a room and, if there are five people who want  
15    to say something that might be offensive to that person,  
16    there's only one person who can respond.

17           And I think that because there's already a  
18    committed value to diversity, it's kind of expressed that  
19    discrimination and microaggressions are not something that  
20    the broader community would tolerate.

21    **Q.** Now that you are a student at Harvard, how are you doing  
22    academically?

23    **A.** I'm doing pretty well.

24    **Q.** What grades have you received? What's your average?

25    **A.** My GPA is a 3.66 right now.

1     **Q.** Now, you mentioned learning about the Black Students  
2 Association during your visit at Visitas.

3             Do you participate in the Black Students  
4 Association or BSA now that you're on campus?

5     **A.** Yes. I am a member of the BSA.

6     **Q.** What is the BSA?

7     **A.** The BSA is the Black Students Association. Its mission  
8 is to create a space for black students to have community and  
9 support and professional development and to share in those  
10 things together and to create kind of a home within a home  
11 for black students and also to facilitate engagement with a  
12 broader community.

13    **Q.** When was the BSA founded, if you know?

14    **A.** 1970.

15    **Q.** And approximately how many members or participants are  
16 there in BSA?

17    **A.** I would say about 400 to 500.

18    **Q.** Is there diversity within the BSA?

19    **A.** Yes.

20    **Q.** And are there other affinity groups that serve black  
21 students specifically?

22    **A.** Yes. I would say there are somewhere between 10 and 15  
23 organizations on campus that serve black students.

24    **Q.** Is the diversity within BSA important?

25    **A.** Yes.

1       **Q.** Why?

2       **A.** I think that for us to be able to learn from each other,  
3       for us to be able to learn about the different shapes that  
4       blackness can take, and to be able to learn about the  
5       different ways that people are impacted by being black or by  
6       racism or by classism and to be able to be good leaders for  
7       the broader community, it's important to be able to have that  
8       diversity reflect -- that is in the nation reflected in our  
9       community.

10               I think also it's important for the broader Harvard  
11       community to be able to interact with a number of different  
12       black people who have very different experiences, whether  
13       that's in terms of religion or class or politics or national  
14       origin, and to be able to see that black people are not a  
15       monolith. And I think that the diversity of BSA does a  
16       really good job of making those things possible.

17       **Q.** You've already spoken about the role of BSA during  
18       Visitas and recruiting students. Does BSA do anything for  
19       students when they arrive on campus in September?

20       **A.** Yes. We have black convocation, which is similar to  
21       Harvard's general convocation except the attendants are all  
22       member of BSA. The freshmen sit in the front and they have  
23       pins for the end of the ceremony. The upperclassmen come in  
24       the back and support them. Everyone is dressed in white.

25               We have speeches from black faculty members,

1 prominent members of the black community who are  
2 undergraduates, and performances from black students.

3 **Q.** Do you know if there is a Latinx convocation?

4 **A.** Yes.

5 **Q.** And how did that start?

6 **A.** That came about this year after the success of black  
7 convocation creating a sense of welcome in the freshman class  
8 and after seeing how beautiful that event was. The Latinx  
9 community also wanted to have that kind of space for their  
10 freshman.

11 **Q.** Does BSA provide any opportunity for professional  
12 development?

13 **A.** Yes. We have a minority career fair every year.

14 **Q.** And does BSA cosponsor events?

15 **A.** Yes.

16 **Q.** Can you give us an example?

17 **A.** Yes. One such event is rush hour, which is a party  
18 that's thrown every year, cohosted between BSA, BMF, and the  
19 Asian American men's forum.

20 **Q.** What does BMF stand for?

21 **A.** Black men's forum. Sorry. The Asian American men's  
22 association. And that event is really fun because it has  
23 this huge diversity in terms of music and in terms of the  
24 students who come.

25 I think because it's cohosted by multiple cultural

1 groups, it ends up being a space that people from all  
2 cultural groups feel welcome in, and so it's one of the most  
3 diverse parties of the year, and that's really cool.

4 I know that BSA has also sponsored events with  
5 mental health organizations and with the college's imam on  
6 religious diversity and mental health.

7 **Q.** Are there ever incidents of racial hostility on campus?

8 **A.** Yes.

9 **Q.** Has there ever been an incident of police brutality  
10 against a black student on campus?

11 **A.** Yes.

12 **Q.** When?

13 **A.** Last year towards the end of second semester.

14 **Q.** How did BSA respond to this incident?

15 **A.** BSA members were at the forefront of organizing in the  
16 aftermath of the incident. They were at the forefront of  
17 ensuring that the student was cared for; and that discussions  
18 would be held with the administration, with the Cambridge  
19 Police Department to ensure that something like that didn't  
20 happen again; and that there was advocacy on behalf of the  
21 student. BSA members were the ones who gathered and  
22 eventually formed a coalition to deal with the event as a  
23 whole, stepped up within a matter of weeks to have leadership  
24 in that advocacy, created community healing events, etc.

25 **Q.** Do you feel that this advocacy was effective?

1       **A.**   Yes.

2       **Q.**   How so?

3       **A.**   CPD, the Cambridge Police Department, and BSA and the  
4       Harvard community in general now have more frequent meetings  
5       to discuss relationships between the communities. Harvard  
6       administration was very receptive, and we were able to  
7       discuss ways as well for Harvard to respond effectively to  
8       police interactions with students. And I believe that  
9       advocacy on the student's behalf was successful as well.

10      **Q.**   Overall, how does BSA ensure that its members are  
11      supported?

12      **A.**   There are all kinds of different ways, including the  
13      black legacy ball where everybody gets to come and support  
14      each other's businesses and each other in general and spends  
15      time together talking and dancing and listening to music or  
16      having a big-sibling, little-sibling program, which is in BSA  
17      is actually a family.

18                So you can have a freshman, sophomore, and junior  
19      and senior who all mentor each other and who are all in  
20      relationship together. There are a number of different ways  
21      that the BSA supports its students.

22      **Q.**   And are these efforts to provide support successful?

23      **A.**   Yes.

24      **Q.**   How do you know?

25      **A.**   Because people end up having really fulfilling

1 relationships with upperclassmen that they wouldn't otherwise  
2 have. They find another outlet besides the advisers that  
3 Harvard provides, finding the ability to talk to people  
4 within their community about issues that they feel might be  
5 pertinent to them. Or being able to go to an event where you  
6 can hear music or discuss spirituality in a way that's  
7 familiar to you at home and being supported and welcomed in a  
8 way through even things like black convocation so that you  
9 know that there are people rooting for you to be successful  
10 and people that you can turn to if you're struggling  
11 academically and personally.

12 And I know that for me that's been a big cushion,  
13 and I think that's been for a number of other students as  
14 well.

15 **Q.** I want to talk a little bit about your involvement with  
16 the Association of Black Harvard Women or ABHW.

17 What is ABHW?

18 **A.** ABHW is an organization that was founded in 1975, and was  
19 actually the Association of Black Radcliffe Women, to create  
20 a space for sisterhood, empowerment, professional  
21 advancement, academic support, and community within the black  
22 women's community of Harvard, and also to facilitate positive  
23 interactions with the broader Radcliffe and eventually  
24 Harvard community.

25 **Q.** Do you have a leadership role within ABHW?

1     **A.** Yes. I am ABHW's political action chair.

2     **Q.** What made you to decide to become involved as political  
3 action chair?

4     **A.** I remember after the event of hostility last year --

5     **Q.** Just to clarify, what event of hostility are you  
6 referring to?

7     **A.** Yes. My apologies. The police brutality event against  
8 the student.

9             I remember gathering in a room with a really big  
10 chunk of the black community on Harvard's campus and just  
11 thinking about how much I cared for them and how much I  
12 wanted to make sure that they were supported in all of the  
13 different issues that we face politically on campus and in  
14 the world in general, and that I wanted to help create a  
15 space for that.

16            And I love black women and I love being able to be  
17 a support for black women. So I wanted to be a part of  
18 advancing ABHW's general goals as well.

19     **Q.** Approximately how much time would you spend in your role  
20 as a political action chair?

21     **A.** I would say at least four hours a week, maybe four to six  
22 hours in general.

23     **Q.** And in terms of the programs that ABHW provides, is there  
24 an orientation for members?

25     **A.** Yes. We have a week of initiation where we host events



1 discussing everything from interactions with faculty and  
2 who's there to support you to inclusivity to legacy and how  
3 to make a positive impact on campus. Days where you can ask  
4 students about what their experience is about.

5 **Q.** Just to be clear, when you say "legacy," what do you  
6 mean?

7 **A.** By "legacy," I mean the legacy you'll leave on campus.  
8 We discuss black women who came before us and their positive  
9 impacts in the world and who were Harvard alumni, and we talk  
10 about ways that we would like to represent our family and our  
11 heritage on campus.

12 **Q.** Does ABHW provide opportunities for mentoring?

13 **A.** Yes.

14 **Q.** Can you give us an example?

15 **A.** We have a big-sister, little-sister program where you're  
16 matched with someone who is younger than you if you're an  
17 upperclassman or older than you if you're a younger member.  
18 You're encouraged to form a relationship with them and to  
19 spend time with them, and you can go to them with anything  
20 that you're struggling with.

21 **Q.** And does ABHW provide guidance for younger students?

22 **A.** Yes. One example I think would be our survival guides  
23 which have been handed out to freshmen women for a really  
24 long time.

25 **Q.** Well, let's take a look at that.

1 Can you please turn to what has been marked as  
2 Amici Organization Exhibit 4?

3 **A.** Yes.

4 **Q.** Do you recognize this?

5 **A.** I do.

6 **Q.** How do you recognize this?

7 **A.** I received it when I was a freshman.

8 **Q.** And what is it?

9 **A.** It is the 2016-2017 survival guide by ABHW.

10 **Q.** Is this a true and accurate copy of the ABHW survival  
11 guide?

12 **A.** It is.

13 MS. McCLELLAN: Your Honor, I move to admit what  
14 has been marked as Amici Organization Exhibit 4 into  
15 evidence. Counsel have been provided a copy.

16 MS. HACKER: No objection, Your Honor.

17 MS. ELLSWORTH: No objection.

18 THE COURT: Do I have a copy?

19 MS. McCLELLAN: You should in the binder, but I can  
20 also hand you one right now.

21 (Amici Exhibit No. 4 admitted.)

22 BY MS. McCLELLAN:

23 **Q.** About how long is the ABHW survival guide?

24 **A.** About 50 pages.

25 **Q.** You said you received it as a freshman?

1       **A.**   Yes.

2       **Q.**   Did you view it?

3       **A.**   Yes, I did.  It's really, really helpful.  There are a  
4       lot of things that I wouldn't have known about at Harvard and  
5       a lot of things that made me feel more comfortable coming  
6       into campus that I wouldn't have felt as prepared for if I  
7       hadn't had it.

8       **Q.**   What are some of the topics that it covers?

9       **A.**   Everything from relationships to food on campus and how  
10      to spice it up to food off campus, international travel, how  
11      to get good grades, where to shop, what to do for the winter,  
12      hair, socializing, and how to experience different social  
13      spaces depending on what you like.

14      **Q.**   Can you give us an example of something in the ABHW  
15      survival guide that wouldn't be found in other Harvard  
16      survival guides?

17      **A.**   The section on hair is definitely unique to black women  
18      and is really important because it has information that I  
19      wouldn't know otherwise.

20      **Q.**   Can we turn to page 32 of the survival guide.

21               As a black student why was it useful to have advice  
22      about hair care when you arrived at Harvard?

23      **A.**   It can be very hard to find a salon in Harvard Square  
24      that knows how to do black hair.  But if you go to a salon  
25      that doesn't know how to do black hair, a lot of time it can

1 be irreparably damaged.

2 **Q.** To clarify, does every salon service African American  
3 clients?

4 **A.** A lot of salons try to but don't know how to.

5 **Q.** Have you ever felt limited in terms of how you could  
6 style your hair as an African American woman in an academic  
7 or professional setting?

8 **A.** Yes.

9 **Q.** Can you give us an example?

10 **A.** Yes. I didn't start wearing my natural hair until I was  
11 like 16 just because straight hair is much more accepted and  
12 viewed still as more professional by the broader community.  
13 And I didn't actually start wearing my natural hair almost  
14 all of the time until I came to college.

15 **Q.** On the top of the page on page 32, do you see that it  
16 says, "Black hair is beautiful, versatile" -- I'm sorry. I  
17 misread that.

18 "Black hair is versatile, beautiful, and amazing,"  
19 and it goes on to say "the possibilities are truly endless."

20 **A.** Yes.

21 **Q.** What was your reaction when you read this?

22 **A.** It was so encouraging just because I feel like there are  
23 so many assumptions that you get from outside of the  
24 community about how you wear your hair.

25 And it was very affirming to hear someone say that

1 regardless of the way you wear it it's wonderful and that  
2 it's okay to wear it in different styles. And I think that  
3 encouragement from the community definitely helped me to  
4 embrace my natural hair, and I think it's helped some of my  
5 friends as well.

6 **Q.** Does ABHW cosponsor events?

7 **A.** Yes.

8 **Q.** And does ABHW participate in the Women of Color  
9 Collective?

10 **A.** Yes, we do.

11 **Q.** Why?

12 **A.** We believe that it's important to create spaces for women  
13 of color on campus to organize and to talk about our shared  
14 experiences and to be able to support each other.

15 **Q.** And you've mentioned that inclusivity is part of ABHW's  
16 mission.

17 How does ABHW fulfill its mission of fostering  
18 inclusion?

19 **A.** We have an inclusivity chair. One example of one of the  
20 things that we do with inclusivity is that during initiation  
21 we have a day specifically devoted to inclusivity.

22 **Q.** And what happens during this day?

23 **A.** We discuss people's fears of different experiences at  
24 Harvard and how diverse those can be. And then we discuss  
25 different terms and different identities that people might

1 not be aware of and how to be sensitive to those and  
2 inclusive of those within the ABHW space and in the broader  
3 community.

4 **Q.** Does the inclusivity chair provide any training?

5 **A.** Yes.

6 **Q.** Can you explain an example?

7 **A.** Yes. One example is within the inclusivity training for  
8 freshmen, we discuss PGPs or personal gender pronouns, which  
9 are, like my personal gender pronouns would be "she" or  
10 "hers." Someone else's might be "he," "him," "his" or  
11 "they," "them," "theirs." It's important to be able to  
12 discuss those for students who might be either transgender or  
13 gender nonconforming.

14 Because ABHW devotes so much attention to that, it  
15 ends up being one of the most inclusive spaces on campus, and  
16 ABHW members tend to make other spaces on campus more  
17 inclusive as well.

18 **Q.** Has Harvard's diversity had any impact on your long-term,  
19 professional, or other goals?

20 **A.** Yes.

21 **Q.** How so?

22 **A.** I've always been interested in activism and I've always  
23 been interested in the intersection of politics and culture.

24 I think that the diversity at Harvard has helped me  
25 to learn about the different ways that I can be involved and

1 the different causes that I want to devote myself to. Like I  
2 have one class where I'm taught by someone who lived in South  
3 Africa during apartheid, and many of the students in it come  
4 from countries that have faced different types of conflicts.

5 And I've always been interested in conflict, but I  
6 think that diversity in the classroom and getting to know  
7 people who faced it helps me to better learn how to serve  
8 hopefully in conflict regions and in peace building as I get  
9 older and also helps me to have a personal connection that I  
10 think has strengthened my desire to work in that field.

11 **Q.** Are you familiar with concerns about the impact on the  
12 admissions of black and Latinx students if race were  
13 eliminated from Harvard's admissions process?

14 **A.** Yes.

15 **Q.** What are those concerns?

16 **A.** That the black and Latinx population at Harvard would  
17 decrease by at least 50 percent.

18 **Q.** Would the decrease of black students affect BSA?

19 **A.** Yes.

20 **Q.** How so?

21 **A.** BSA is really bolstered and made full and vibrant because  
22 of the diversity of our members, because of the critical mass  
23 of our members. The ideas that we have in our events that we  
24 put on and our ability to put them on is related to the  
25 numbers that we have. And I think a loss of any of that

1 diversity, a loss of that mass would be a huge loss for BSA's  
2 ability to put together programming and also for us to learn  
3 and grow together.

4 **Q.** If BSA were not able to put on the same amount of  
5 programming, how would that impact the larger Harvard  
6 community?

7 **A.** The larger Harvard community could suffer a loss as well  
8 as the black community, whether it was the minority career  
9 fair, which is for all minorities, that would be a loss. Or  
10 rush hour, which is one of the most inclusive events that you  
11 can attend as a freshman.

12 Seeing that loss or losses of things like black  
13 convocation which sparked other events. There are so many  
14 ways that BSA touches other communities that I think the  
15 general community would lose out.

16 **Q.** How would a reduction in the amount of black students on  
17 campus impact Harvard more broadly, aside from BSA?

18 **A.** I think there are so many things that we bring to the  
19 table. We bring our experiences with racism and with social  
20 justice and with our culture, and we are the only people in  
21 classrooms who can speak to our own unique experiences.

22 Every year there are remarkable theses that are put  
23 together by black seniors that are to some degree framed by  
24 their experiences.

25 Our contributions to spirituality and advocacy and



1 arts and athletics on campus are also really deep, alongside  
2 our contributions academically.

3 Without any of those things, I think that the  
4 richness of Harvard and Harvard's ability to create leaders  
5 who are really knowledgeable about the world and about  
6 different experiences and are really empathetic would be  
7 lost.

8 **Q.** Are you involved in recruiting black students through  
9 Visitas?

10 **A.** Yes.

11 **Q.** How do you feel when you see new black students arrive at  
12 Harvard?

13 **A.** It's so wonderful. I'm so excited to get to welcome them  
14 to our community, and I want it to be a place that they know  
15 will be theirs, that they know will care for them, and where  
16 they can hopefully take pride in who they are. Maybe for a  
17 lot of them, or for some of them, the first time that they  
18 can really do that.

19 **Q.** How does this compare, this feeling compare to how you  
20 felt welcoming new black students to your high school?

21 **A.** Welcoming new black students to my high school was a  
22 different experience. Because even though I was happy to see  
23 them and I was excited to have them there, I knew that it  
24 would be to some extent a harmful experience because there  
25 was a lot of pain that they would face academically,

1 socially, etc., and that it caused a lot of pain to me and my  
2 other black friends.

3 So it was like bittersweet because this degree of  
4 knowing that you couldn't protect them from what was coming  
5 while also hoping that you would be able to carve out some  
6 degree, some semblance of acceptance for them, but that you  
7 couldn't make the general community that way.

8 **Q.** Why did you decide to get involved in this case?

9 **A.** I think that my love for Harvard is entirely or mostly  
10 rooted in the people that I get to encounter. And I think  
11 that part of the reason that my experience has been so  
12 wonderful is getting to know myself better through these  
13 communities but also getting to experience the joy that they  
14 bring to others and to see other people come into themselves.

15 And I think it would be a shame if that diversity  
16 was lost because it really means the world to me. And I also  
17 think that it would be a shame if, because race-conscious  
18 admissions was eliminated, students from around the country  
19 wouldn't have the same opportunities to experience a Diverse  
20 Harvard and a really wonderful education that I've had. So  
21 it's really important to me to try to ensure that that  
22 doesn't happen.

23 **Q.** Do you support the continued use of race as one of the  
24 factors in Harvard's admissions process?

25 **A.** Yes.

1 MS. McCLELLAN: Thank you.

2 THE WITNESS: Thanks so much.

3 MS. HACKER: SFFA has no questions for this  
4 witness. Ms. Trice, thank you for coming here to testify  
5 today.

6 THE WITNESS: Thank you.

7 MS. ELLSWORTH: Harvard has no questions. Thank  
8 you very much for your testimony.

9 THE COURT: You're excused.

10 THE WITNESS: Thank you.

11 MS. DINAN: Your Honor, our next witness is Sally  
12 Chen.

13 THE CLERK: Can you please raise your right hand.

14 (SALLY CHEN duly sworn by the Deputy Clerk.)

15 THE CLERK: Can you please state your name and  
16 spell your last name for the record.

17 THE WITNESS: My name is Sally Chen, C-H-E-N.

18 EXAMINATION

19 BY MS. DINAN:

20 **Q.** Ms. Chen, where do you go to school?

21 **A.** I'm currently a senior at Harvard.

22 **Q.** What are you studying at Harvard?

23 **A.** I am joint concentrating in history and literature and  
24 studies of women, gender, and sexuality with a secondary in  
25 ethnicity immigration rights.

1     **Q.** Before getting to your application to Harvard, I would  
2     like to discuss your high school experiences.

3             What high school did you attend?

4     **A.** I went to Lowell High School in San Francisco.

5     **Q.** How would you describe Lowell?

6     **A.** Lowell is a public magnet high school in San Francisco.  
7     It is application or test-based for its admissions process.

8             When I was at Lowell, the student population was  
9     majority Asian American. There were very few black or Latinx  
10    students when I was there, a handful at most.

11            I think that -- I didn't know this at the time that  
12    I went there, but this was largely due to a very dramatic  
13    series of lawsuits that Lowell had undergone, itself,  
14    removing race as a factor for its admissions process and  
15    essentially reinstituting segregation in the San Francisco  
16    Unified School District, a fact that I only really heard  
17    about when I came across Lowell High School as one of the  
18    case studies in my Asian American history class at Harvard.

19    **Q.** Do you think of your high school as racially diverse?

20    **A.** No. I would not say so. I think that in terms of its  
21    demographics, it did not really in any way reflect the  
22    overall racial diversity of the Bay Area or San Francisco.  
23    And I don't think that the student body reflected that  
24    reality.

25    **Q.** How did the lack of diversity at Lowell affect your

1 educational experiences?

2 **A.** A lack of racial diversity at Lowell I think was very  
3 detrimental to my overall I think learning experience.

4 It was really difficult and often just didn't  
5 happen. The kinds of really critical conversations around  
6 current events and the issues that were facing the  
7 communities that we were coming from or that I was coming  
8 from, the kind of neighborhoods in San Francisco that were  
9 really fighting against things like gentrification and  
10 displacement that really predominantly impact communities of  
11 color.

12 Lowell High School is fairly academically  
13 well-resourced. It had more AP course offerings than any  
14 other public high school in my school district, but in many  
15 ways did not have -- I mean it had the science and history  
16 program, a robotics team, but we didn't have the kind of  
17 critical conversations that went beyond the strict curriculum  
18 that were really critical to the later parts of my education.

19 So in a lot of ways, I found this kind of space and  
20 these learning opportunities outside of high school. So I  
21 was a part of a youth steering committee at the University of  
22 California, San Francisco. I was one of many high school  
23 representatives from across the school districts, the high  
24 school districts that, you know, we formed a very racially  
25 and socioeconomically diverse cohort coming from multiple

1 high schools across the district.

2 And it was there that I really concretely saw in  
3 our conversations about what issues young women, young high  
4 school-aged women were facing in our different schools as we  
5 were planning for our holistic health and women's leadership  
6 summit.

7 It was there that I saw that we were facing really  
8 different kinds of issues precisely because of this kind of  
9 de facto segregation that occurred. The kinds of concerns  
10 that we had were very different and a lot of it had to do  
11 with the kind of opportunities and resources that we had.

12 **Q.** Based on your experience attending Lowell High School,  
13 what are your views on test-based admissions?

14 **A.** I think test-based admissions are really incorrect in the  
15 ways that they're assumed to measure merit or kind of  
16 worthiness of the middle schoolers who are applying for spots  
17 in high school.

18 I think that coming from a public middle school  
19 myself, I think I saw that the admissions process was often  
20 more a measurement of the kinds of resources that one had in  
21 middle school, in their middle schools, whether students had  
22 role models, whether they had their teacher's support, and  
23 whether those teachers saw them as someone who could succeed.

24 And I think that that really impacted really  
25 negatively how I think the overall student population

1 experience was shaped at Lowell.

2 **Q.** Now I would like to show you a document that has been  
3 admitted as Exhibit SA1.

4 Do you recognize this document?

5 **A.** Yes. It is my admissions file.

6 **Q.** When did you first see this document?

7 **A.** I viewed my admissions file in the summer after my  
8 sophomore year, which would have been 2017.

9 **Q.** Why did you review your admissions file?

10 **A.** I think I was really curious to see the kinds of I  
11 think -- I really wanted to see the kinds of information and  
12 the process overall of Harvard's fairly opaque admissions  
13 process, and I think I also really wanted to see how my own  
14 application, my own experiences were viewed by the admissions  
15 readers and by Harvard.

16 **Q.** Can you share with the Court how you identify in terms of  
17 your race or ethnicity?

18 **A.** Yes. So I am a Chinese-American. My parents emigrated  
19 to the United States from China in the 1980s. They were  
20 warehouse and factory workers in China before they came to  
21 the United States.

22 **Q.** To what extent did your race or ethnicity shape your  
23 application materials in any way?

24 **A.** It really fundamentally shaped my application materials.  
25 I wrote very directly about how being the daughter of Chinese

1 immigrants and being a kind of translator and advocate for  
2 them across barriers of cultural and linguistic difference in  
3 different settings, whether that's with our landlord, with  
4 helping my dad get his driver's license, in all these  
5 different settings, how far that really shaped my views on  
6 social responsibility, on my dedication to being an advocate  
7 for communities that -- for different communities.

8 **Q.** Please turn to page 9.

9 Is this the personal statement to which you were  
10 referring when you said you wrote about being the child of  
11 Chinese immigrants?

12 **A.** Yes, it is.

13 **Q.** What advice did you receive on what to write about in  
14 your personal statement?

15 **A.** So when I was preparing my personal statement for  
16 college, I had a counselor in my high school who was telling  
17 Asian American students, including myself, that writing a --  
18 and he said this fairly reductively -- that writing an Asian  
19 immigrant story was overdone; that it was not compelling, not  
20 interesting, and would ultimately hurt our admissions, our  
21 applications.

22 And as someone who as the daughter of Chinese  
23 immigrants wanted to write, I think, very candidly about my  
24 background and my story, I found this very, I think,  
25 difficult to navigate.



1     **Q.** Why did you choose to write about being a child of  
2 immigrants from China despite that?

3     **A.** I think that it was really fundamental to explaining who  
4 I am. And I don't think there was any way I could  
5 authentically get across my motivations, my story, my  
6 inspirations, my academic kind of curiosities without really  
7 explaining and talking about the significance of how I grew  
8 up.

9             Being Chinese-American, being the daughter of  
10 Chinese immigrants and how -- as I kind of discussed, how I  
11 navigated being a translator and advocate. That was so  
12 fundamental to my background and my story, my identity, that  
13 I don't think I could have left it out.

14            And I think the other part is that talking about  
15 these parts of my identity really lent significance to the  
16 kinds of activities I would later gravitate towards in school  
17 that were related to oftentimes kind of community advocacy  
18 work. I was student body president of my high school for  
19 three years.

20            As I kind of mentioned, I work with the University  
21 of California, San Francisco representing kind of young  
22 women's voice on issues of health and leadership. And I was  
23 a youth producer for the Bay Area-based podcast OutLoud Radio  
24 that really focuses on hearing the often unheard queer youth  
25 voices.

1     **Q.** When you reviewed your admissions file, did anything  
2 stand out to you?

3     **A.** Yes. I really, I think, appreciated the ways in which my  
4 admissions reader saw what I was trying to say when I was  
5 talking about the significance of growing up in a culturally  
6 Chinese home, of the kinds of work and responsibility that I  
7 took on from that.

8             I think in addition to that, tying that directly to  
9 my, I think, other experiences and the significance of it,  
10 they spoke -- they wrote about how I understood and could  
11 sympathize with the experiences and the view of an outsider.

12            I think the kinds of cultural-linguistic, barriers  
13 that my parents faced because of their race and because of  
14 their class I think really lent an understanding for me of  
15 what that meant to take on roles of leadership while  
16 forefronting in my mind this kind of alienating experience of  
17 being an outsider.

18            And I talk about it in even my academic interests  
19 when I was talking about my favorite book was "Invisible Man"  
20 by Ralph Ellison. And the ways in which I talked about  
21 that and my admissions reader said that I could do well in  
22 the humanities and the sciences and how that all related to  
23 the kinds of meaning and strength that I drew from, I think,  
24 my experiences.

25     **Q.** Is your Chinese-American identity highlighted by other

1 aspects of your application?

2 **A.** Yes. So my last name is Chen, which is a Chinese last  
3 name. I took AP Chinese language and culture. And as a  
4 heritage speaker, I wrote in my personal statement very  
5 directly about how my parents spoke Chinese to me at home.  
6 And in my interview itself, it's noted that I ask about the  
7 food at Harvard, which came up in conversation because I had  
8 just come from dinner from home. And I think so I was saying  
9 that I typically eat Chinese food at home, so I was wondering  
10 what the situation was like at Harvard.

11 **Q.** Please turn to pages 29 and 30 of your admissions file.

12 Do you recognize these pages?

13 **A.** Yes. It is my personal interview report.

14 **Q.** What is the text on page 30 under "Supporting Comments on  
15 Personal Qualities Rating" discussing?

16 **A.** It discusses pretty directly how I come from a culturally  
17 Chinese home and how that came up as a topic of conversation  
18 in how I feel a sense of kind of responsibility to advocacy  
19 and kind of speaking up.

20 **Q.** Do you recall your counselor advising you on your SAT  
21 scores?

22 **A.** I do. When I met with him, he very gently said -- after  
23 hearing my scores -- AP, GPA, and SAT, but mostly SAT -- that  
24 students with higher scores have not gotten in. And he told  
25 me to consider some other schools.

1     **Q.** Why did you apply to Harvard anyway?

2     **A.** I think that -- you know, I wasn't valedictorian of my  
3 school, but I think that I hoped -- I hoped that in the  
4 context of my other experiences and my background that my  
5 achievements would be able to give a more cohesive narrative  
6 of the kind of person that I was and that I would hope to be  
7 in college and beyond.

8     **Q.** Did you get into Harvard?

9     **A.** Yes.

10    **Q.** Now turning to your time at Harvard, do you recall  
11 experiencing racial hostility on campus?

12    **A.** Yes. So there's kind of a specific experience. I was  
13 doing homework. I was studying in a student space called  
14 Ticknor Lounge when a staff person approached me and said,  
15 "Tourists aren't allowed here. This is a space for students  
16 only."

17                 And she essentially told me to leave, which in that  
18 moment I don't think I even processed what was happening. I  
19 pulled out my ID and I said "I go here."

20                 She was unfazed. She didn't really -- she didn't  
21 apologize. She just said, "Well, that's the school policy.  
22 I have to enforce it. Tourists aren't allowed in this  
23 building."

24                 And at that point, I mean, this is a back-and-forth  
25 conversation surrounded kind of in this student space by

1 other students, couches, and tables. And I just got the  
2 sense that, you know, someone must have heard that, and I  
3 felt -- you know, I just packed up my stuff and left.

4 **Q.** How did this experience make you feel?

5 **A.** I think it made me feel like I didn't belong there. It  
6 made me feel foreign. And it really, I think, triggered a  
7 kind of internal critique of myself. In that moment, I was  
8 wondering what did I wear that day, what did I do with my  
9 hair, why was it that someone saw the need to -- or saw that  
10 I didn't -- or identified or believed that I didn't belong  
11 there. What was it about me and why did that happen.

12 And I think that feeling of, as well, being very  
13 troubled, but I and other Asian American students use that  
14 space. I am a U.S. citizen. I was born here.

15 And yet there was this kind of push from this kind  
16 of compulsion from staff members to enforce this kind of view  
17 and how as well the idea that an Asian tourist in Harvard  
18 Yard trespassing would somehow be so disruptive and so  
19 threatening that you would have to go up to them and ask them  
20 or demand that they leave.

21 I think this really brought this feeling of being  
22 perpetually foreign really brought that forward.

23 **Q.** Did something happen at Harvard that helped you  
24 understand your racial identity and related experiences?

25 **A.** Yes. I think that the language of perpetual foreignness

1 was something that I was only able to articulate and speak to  
2 after I'd taken my first Asian American history course.

3 **Q.** How else did this course impact you?

4 **A.** I think very personally. In a lot of ways, it answered a  
5 lot of tensions that I was feeling both at home and at  
6 school, specifically around the model minority myth that  
7 Asian Americans are professionally successful, that they are  
8 economically secure, and that they are across the board  
9 entirely high-achieving, whatever that might mean.

10 So to speak to how the experience was at home, I  
11 had grappled for a really, really long time, growing up with  
12 three sisters and my parents living in a one-bedroom  
13 apartment in San Francisco and not understanding why our  
14 experiences didn't fit that of whatever the American dream  
15 might be and how that kind of dream is often ascribed to  
16 Asian Americans at large, and yet we were really struggling,  
17 still concretely struggling today.

18 I think the -- the Asian American history course  
19 helped me parse through exactly why my story and my family's  
20 stories came to be; that how my family ended up in  
21 San Francisco rather than any other city; that my dad became  
22 a Chinese restaurant worker despite never having cooked a day  
23 in his life really in a kind of professional capacity before  
24 coming to the United States; why Chinese restaurant work is  
25 so undervalued and criminally underpaid and how that relates

1 to the ways in which the histories of that kind of racialized  
2 labor were shaped, such that my dad would have to take up  
3 this occupation.

4 And as well, how these kinds of jobs have so little  
5 access to things like social mobility and how that really  
6 shaped the ways in which my family and I struggled with  
7 poverty.

8 The ways in which race and class and so many other  
9 kind of factors came to play through immigration systems,  
10 larger legal structures that would really have more to --  
11 would be more, I think, explanatory of what we experienced  
12 rather than what I had kind of faced in thinking, you know,  
13 my dad works long hours, my mom made a lot of sacrifices for  
14 my sisters and I to go to school.

15 And I think that flipping that idea that, no,  
16 they're not lazy, they're not undeserving, it is not that  
17 they did not work hard. It is factors that are much larger  
18 than that and more complex than that. That was really kind  
19 of what I grappled with in kind of thinking about my home  
20 setting.

21 **Q.** Is the Asian American studies class that you took part of  
22 the ethnic studies department at Harvard?

23 **A.** No. There is no ethnic studies department.

24 **Q.** What have you done to advocate for ethnic studies at  
25 Harvard?

1     **A.** So I am a co-coordinator for the task force on Asian and  
2     Pacific American studies, which organizes and advocates for  
3     an Asian and Pacific American studies program or a coherent  
4     course of study.

5             I also through TAPAS work with the Harvard ethnic  
6     studies coalition to advocate cross-racially for the critical  
7     opportunity to study race and ethnicity in a really critical  
8     way. And we are really advocating for a structured  
9     department and program that can provide the space and the  
10    critical analysis and those tools for students.

11    **Q.** Why do you think Harvard needs to adopt a full ethnic  
12    studies program?

13    **A.** So ethnic studies is beneficial for all students. It is  
14    so important to have the language and the skills to really  
15    grapple with the critical issues, particularly around race  
16    and ethnicity that are so salient in communities beyond the  
17    gates of Harvard.

18             It is particularly important in this current  
19    political moment where ignorance and bigotry are common in a  
20    lot of political spaces, to instead imbue our education with  
21    a different kind of critical lens.

22             In addition to that, you know, besides I think  
23    ethnic studies being beneficial for all students, it is also  
24    critical for, I think, recentering and uplifting the  
25    experiences and the histories of people of color and students



1 of color who are coming from communities beyond Harvard.

2 It is so important to when having these  
3 conversations in the classroom to go beyond the abstract, you  
4 know, to talk about the legacies of things like colonialism  
5 and kind of deep-rooted racism in a way that is very much  
6 centering on how these structures and their legacies  
7 continue.

8 And in that sense, ethnic studies classes are  
9 really only possible by having a really diverse, racially and  
10 ethnically diverse cohort of students that can bring very  
11 different perspectives on these critical issues.

12 **Q.** How did you benefit from racial diversity at Harvard?

13 **A.** So I think that in large part it was really critically  
14 changing, I think, for me to I think meet Asian Americans who  
15 are different from me.

16 I think that a concrete example of that was that I  
17 had -- in the spaces beyond, I think, Asian American studies  
18 classes, it was so important to meet and talk to other Asian  
19 Americans who are different from me as kind of an impetus for  
20 me to learn more, for me to demand an education that would  
21 discuss these differences that I would have in these  
22 one-on-one encounters.

23 So as a concrete example of that, I had never met  
24 an undocumented Asian American before coming to Harvard.

25 Despite the fact that Asian immigrants are the fastest

1 growing immigrant population in the United States, a lot of  
2 the public media around immigration and immigration reform is  
3 often centered around Latinx communities.

4 But this was really eye-opening for me to see how  
5 these issues affect Asian Americans and what is defined as an  
6 Asian American issue and the things that we should be  
7 learning really need to be reoriented and re-kind of  
8 centered.

9 So it's really, I think, critical to have these  
10 different perspectives and have these -- have a student body,  
11 an Asian American -- have an Asian American population that  
12 is also racially and ethnically diverse as well as  
13 socioeconomically diverse to really dispel these kinds of  
14 overarching myths about what it means to be Asian American.

15 **Q.** If Harvard's race-conscious admissions process were to be  
16 dismantled, how do you think that might impact your college  
17 experience?

18 **A.** I think dismantling the race-conscious admissions policy  
19 would really rob students of that critical part of education  
20 where you learn from and with people who are different from  
21 you and have different experiences from you.

22 I think that my experience at college would be  
23 reflective of some of the worst aspects of my high school  
24 experience in being altogether too comfortable with being in  
25 a room of people who have similar experiences and are already

1 being validated for these kinds of experiences.

2 I think that there would be a kind of overwhelming  
3 pressure to buckle under that weight of assimilation, too,  
4 and I think that those different experiences would very much  
5 be pushed to the margins of those conversations and create  
6 being a very one-track kind of way of learning and thinking.

7 **Q.** If race were not considered in the admissions process,  
8 how would that have affected you?

9 **A.** I don't think I would be here. I think that as someone  
10 who during -- during my admissions process when my counselor  
11 said that a story like mine would be overdone, not  
12 compelling, despite that I decided to write about being  
13 Chinese-American and being from a working-class immigrant  
14 family, precisely because I felt like stories like mine were  
15 fading under this model minority myth.

16 And how I could not -- I could not see myself being  
17 part of an institution that didn't value me and my  
18 experiences when I was fighting so hard to articulate them.  
19 So I really do think that I don't think that I could be in a  
20 space like this.

21 **Q.** Based on your review of your admissions file, how do you  
22 think writing about your race impacted Harvard's review of  
23 your application?

24 **A.** So when I wrote about my experiences growing up  
25 Chinese-American, from a low-income, working-class kind of

1 immigrant family and made significance of that, talking about  
2 being a translator and advocate, I think that I saw in my  
3 admissions file the way that that was seen. That they  
4 recognized I was coming from a culturally Chinese home, and  
5 that I had a sense of responsibility to my communities, kind  
6 of going back to what they saw in the fact that these kind of  
7 identities lent themselves to the sympathy and the  
8 understanding for the view of an outsider, contextualizing  
9 the leadership roles that I would take.

10 I was, I think, very much seen and my story was  
11 heard in my admissions file. And concretely in their words,  
12 they saw that I could have a potential contribution to  
13 college life that would be truly unusual. And I think that  
14 there was no way in which flat numbers and a resume could  
15 have gotten across how much of a whole person that I am, and  
16 I think that it's truly incredible to have been seen and been  
17 heard for who I am and valued for it.

18 MS. DINAN: Thank you, Sally.

19 THE WITNESS: Thank you.

20 MS. HACKER: SFFA has no questions. Ms. Chen,  
21 thank you for sharing your story.

22 MS. ELLSWORTH: No questions from Harvard. Thank  
23 you, Ms. Chen.

24 THE COURT: She's already leaving. Now you're  
25 excused.

1 I think that concludes for the day, correct?

2 MR. HUGHES: Yes, Your Honor. Although I think  
3 maybe a brief sidebar with Harvard's lawyers.

4 THE COURT: We can do that. Otherwise the case is  
5 recessed for the day. We'll reconvene at sidebar.

6 MS. McCLELLAN: Your Honor, we just wanted to  
7 clarify what Your Honor has in mind in terms of amici  
8 participating in closing briefing and closing arguments --  
9 posttrial briefing and closing arguments.

10 THE COURT: I'm amenable to the amici submitting a  
11 written closing statement. I am amenable to them giving a  
12 closing statement orally if it's under 15 minutes and given  
13 by a younger lawyer, as previously discussed, but only if we  
14 have time to get everything done on Friday. So I'm reserving  
15 on that.

16 The parties are then going to submit findings of  
17 fact and conclusions of law and will be given another  
18 opportunity to close, and the amici can give an oral  
19 presentation at that second closing regardless of time  
20 constraints.

21 So the only issue that I'm seeing as open is  
22 whether or not we'll have time for an oral closing from the  
23 amici on Friday.

24 MS. McCLELLAN: Will Her Honor permit us to file a  
25 response to the findings of fact and conclusions of law?

1           THE COURT: Let me think about that. I haven't  
2 thought that far ahead. I'm just trying to get through the  
3 week, but I will think about that. Thank you for raising it.

4           All right. Anything else before we reconvene at  
5 sidebar? Okay.

6                           [Sidebar sealed and redacted.]

7                           (Court recessed at 4:08 p.m.)  
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